

Agenda
Village of Glen Ellyn
Village Board Workshop
Monday, September 26, 2011
7:00 P.M. – Galligan Board Room
Glen Ellyn Civic Center

1. Call to Order

2. Tree Preservation Ordinance – Planning and Development Director
Hulseberg and Interim Public Works Director Perrigo

3. Other Items?

4. Adjournment



September 26, 2011
Board Workshop, Item No. 2
and
Regular Agenda, Item No. 7

Memorandum

Date: September 22, 2011
To: Village President and Board of Trustees
From: Mark Franz, Village Manager
Re: Tree Preservation Ordinance Discussion

Background

In 1998, the Village Board adopted three separate ordinances to encourage the preservation of public and private trees during property development projects. These three ordinances are collectively referred to as the Tree Preservation Ordinance (TPO). These ordinances involved the protection of trees in the public right-of-way, the protection of trees on private property and the adoption of the arboricultural manual. While the adopted ordinances were meant to encourage tree preservation, their prime purpose was to educate instead of regulate.

The three ordinances were last amended in 2001 to incorporate necessary revisions that were identified since the original adoption three years earlier. In 2006, former Village President Vicky Hase requested that the Environmental Commission (EC) undertake a review of the private property TPO to determine whether that TPO should be modified in order to improve its effectiveness in the preservation of trees. The EC completed a year-long review of the TPO in 2006 and in February 2007 recommended changes to the ordinance that included additional levels of tree restrictions on private property. The Village Board at that time expressed concern over certain aspects of the recommendation. The EC recommendation was discussed by a new Village Board in July 2008. The new Village Board also found some of the private property tree preservation measures troublesome and seemed to favor more private property control.

In February 2010, the Village Board briefly discussed the status of the 2007 EC recommendation on the TPO. The Board decided to request that the Environmental Commission reconsider the ordinance and focus on provisions that should be removed or added, how it could be streamlined and how education could be incorporated. The EC began their review of the TPO in May 2010. In April and May 2011, the Environmental Commission's recommendations were presented to the Village Board. At these Workshops, the Village Board was presented with several versions of the private property TPO including an Environmental Commission base recommendation, an Environmental Commission above-and-beyond recommendation and a Village Manager's Office recommendation. While the main focus of these workshops was the private property TPO, the Board was also presented with an updated public property TPO ordinance and arboricultural specifications manual.

Following extensive Village Board discussion and resident participation, the Village Board indicated that it preferred the Village Manager's recommendation for the private TPO. Based on this direction, Village staff prepared an updated TPO and provided it to Attorney Diamond for his review.

The Village Board was presented with the updated private property TPO, as well as a Clear Cutting Ordinance, at the September 12 Village Board Workshop based on Attorney Diamond's review. Village Board provided staff some direction, but did not have sufficient time to fully review the proposed ordinances. Therefore, this matter is being brought forward again for discussion at the Village Board Workshop and Board Meeting on September 26. Please find below a summary of the three ordinances related to tree preservation and attached are the draft ordinances for consideration at the regular Village Board meeting.

Issues

The Village Board is being asked to consider changes to all three components of the Tree Preservation Program. Below is a brief summary of these changes, in addition to outstanding questions/answers:

Private Tree Preservation Ordinance

Summary: The proposed ordinance includes some minor changes to expedite permit issuance, include the Village Manager in appeal issues, provide customers with a maximum plan review cost, and maintain property owner control over private trees. Staff has attempted to present the pros and cons to increasing regulation by explaining the preserving trees is an important community goal, but that the time might not be right to increase regulations and government intervention for homeowners wishing to make improvements to their properties. It appears that the Village Board's perspective over the years has been to preserve as many trees as possible without limiting a private property owner's ability to make decisions about trees on their own private property. Staff agrees with this perspective and it is sound public policy.

Outstanding Questions/ Answers:

Q. 4-8-3 (B): Will the Village Board now be in charge of approving tree plans?

A. This is actually changing the code to reflect our current practices. For PUDs and Subdivisions, the tree preservation plan is reviewed and approved by the Village Forester in advance of the Plan Commission meeting. After the Plan Commission meeting, the Village Board approves the tree preservation plan by ordinance along with the other plans and plats. The tree preservation plan submitted for building permit must match the plan that was approved by the Village Board.

Q. 4-8-3 (B)3: Will this provision have an impact on development and lead to neighborhood disputes?

A. This was a recommendation of the Environmental Commission. The idea was that this would provide advance notice to neighbors and would allow them to obtain information about potential impacts to their trees and have a conversation with the applicant about their concerns. The applicant needs only to notify neighbors that the plan is available for viewing at the Planning and Development Department, not provide a copy of the plan to them. We will prepare a form letter that applicants can use to satisfy this requirement.

Q. 4-8-3 (C)4: Is this provision new to the TPO?

A. This language has been modified as requested by the Public Works Department and is included in the red-lined version of the ordinance.

Q. 4-8-3 (C)7: Is this language new?

A. This is new language. We will request Village Board direction regarding the inclusion of this language.

Q. 4-8-3 (D): Are these fees new?

A. A \$25 fee for "each complaint" has been eliminated and replaced with a \$50 "fee for additional field inspections and violations" in order to clarify when fees may be charged. The fee has been increased to

cover Village consulting forester costs. We will request Village Board direction regarding the inclusion of this language.

Q. 4-8-3(G): Please explain why the approval of the Village Forester is required to remove a protected tree. Isn't the identification of protected or impacted trees left to the discretion of the property owner?

A. This relates to changes to a tree preservation plan after it has been approved and construction has likely started. This is existing language that has been modified as shown on the draft ordinance.

Q. Is it correct that the private property TPO does not allow the forester to prevent any tree removal?

A. Yes, the ordinance does not allow the forester to prevent any tree removal.

Q. Would it be possible to apply the Clear Cutting Ordinance only to the setback (unbuildable) part of the property?

A. Such a regulation may prevent many homeowners from installing accessory structures in their rear yards. Many structures are allowed in the rear yard setback including pools, detached garages, driveways, patios, sheds, playground equipment, gazebos, etc.... Such a restriction could prevent homeowners from installing these structures. Also, this type of a regulation could be punitive since trees can be damaged when construction equipment is driven over the roots or when foundation over-digs impact the roots. Homeowners may unintentionally damage trees in this manner and would be subject to the penalties in the ordinance.

Public Tree Preservation Ordinance

Summary: This proposed ordinance has been updated to reflect lessons learned and to provide up-to-date standards. The majority of the changes proposed to the Public Tree Preservation Ordinance are for clarification purposes and ease of administration. The definitions in the Public TPO have been revised to match the new definitions in the Private TPO. Calculations for replacement trees have been made clearer. Language addressing the Emerald Ash Borer and Asian Longhorned Beetle has been added. More thorough information on proposed changes is detailed below:

- 8-4-5 (B) – We are requesting to add the placement of landscape fabric and volcano mulching to the list of “damages to public trees”. Currently if we identify a parkway tree that is “volcano mulched” (this is over mulching of a tree and can lead to decay and possible death of tree) we send the resident a letter requesting the mulch be removed. In most cases the landscaper is the one who installs the mulch. Unfortunately most of the time there is no compliance and the Village staff has to remove the mulch. We want to have enforcement capability to ensure that this is completed by the resident/landscaper.
- 8-4-5 (E) 4 & 5 – We are requesting to remove the section in which it states that we have the option to accept cash or a Replacement Tree for damages to Public Trees. There are no instances in which we would accept replacement trees so this section should be removed.
- 8-4-7 (C) – We are requesting that applications for permits be made at the office of the Building and Zoning Official not less than 10 working days before the time the work is to be done, in lieu of the current 5 working days.
- 8-4-10 (A) – We would like to add Emerald Ash Borer (EAB) and Asian Long-horned Beetle to the list of nuisances.

Outstanding Questions/Answers: None.

Arboricultural Manual

Summary: This is a supplemental manual that provides technical and detailed requirements of all aspects of tree maintenance, planting, removal policy and tree preservation requirements. It is prepared by the Village Forester and currently any changes must be approved by the Village Board. More thorough information on proposed changes is detailed below:

- SECTION 1 – Introduction

This section deals with the types of trees that we allow to be planted on the parkway. Trees are chosen each Spring and Fall to be planted through the Reforestation Program and there are many times that new varieties are planted that season that are not on the “approved planting list”. We have included wording in this section that will allow the planting of new varieties of trees with information provided to the Village Board in writing.

- SECTION 11

Policy – Tree Species, Cultivars or Varieties

- Location and Spacing – We are recommending that the required minimum spacing for parkway trees be changed to the following which will provide more appropriate growing space for the parkway trees:
 - Large trees spacing from 40’ to 50’
 - Medium tree spacing from 35’ to 40’

Outstanding Questions/Answers: None

Recommendation

It is requested that the Village Board review and discuss the attached documentation at the Village Board Workshop and Meeting on September 26. Staff recommends that the Village Board move forward with the adoption of the proposed private tree ordinance, public tree ordinance and arboricultural manual as attached. These proposed amendments to the existing tree preservation ordinance incorporate some of the base recommendations of the EC and staff and offer the following enhancements:

- Simplification of various provisions
- Clarification of regulations and definitions
- Elimination of internal conflicts
- Requirement for review by certified arborist for new home projects
- Increase in enforcement abilities
- Clarification of conflicting regulations regarding trees on adjoining lots
- Notification to neighbors of construction projects involving a tree preservation plan
- Inclusion of language addressing new insects that are damaging to trees in the Village

cc: Stewart Diamond, Village Attorney
Staci Hulseberg, Planning and Development Director
Jeff Perrigo, Interim Public Works Director
Kristen Schrader, Assistant to the VM - ADM
Environmental Commission

TPO - Private -
Redlined

DRAFT 5-13-11

ORDINANCE NO. _____ - VC

AN ORDINANCE AMENDING
TITLE 4, CHAPTER 8 (TREE PRESERVATION)
OF THE GLEN ELLYN VILLAGE CODE
REGARDING TREE PRESERVATION ON PRIVATE PROPERTY

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION ONE: Chapter 8 (TREE PRESERVATION) of Title 4 (BUILDING REGULATIONS) of the Village Code of the Village of Glen Ellyn, Illinois, is hereby deleted in its entirety and replaced with the following:

Chapter 8

TREE PRESERVATION

- 4-8-1: PURPOSE: The purpose of this Chapter of the Village Code is to enhance the private property portion of the Community Forest by assuring the preservation and protection of Protected Trees. Chapter 4 entitled "Forestry Management" of Title 8 "Public Ways and Property" of this Code is applicable to the public property portion of the Community Forest. These Chapters complement each other to enhance the total Community Forest in Glen Ellyn. It is the stated public policy of the Village to add to the Tree population within the Village, where possible, and to maintain, to the greatest extent possible, existing Trees within the Village. The planting of additional Trees, preservation of existing Trees, and proper maintenance of Trees in the Village will improve the quality of life in Glen Ellyn.
- 4-8-2: DEFINITIONS: As used within this Chapter and Chapter 4 of Title 8 of this Code, the following terms shall have the meaning set forth in this section:
- ARBORICULTURAL SPECIFICATIONS MANUAL: A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time-to-time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting, maintenance, and Removal of Trees, shrubs, and other plants upon Village property and regulated Trees on private property.

COMMUNITY FOREST: The entire Tree population in the Village of Glen Ellyn, including Trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five-year plan for the improvement of the Village of Glen Ellyn Community Forest and approved by the Village Board.

CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one (1) foot for every inch of D.B.H. but not less than six (6) feet from the trunk of the Tree.

CROWN: Parts of a Tree above the trunk including leaves, branches, and scaffolds.

DEVELOPMENT: All new Planned Unit Developments and Subdivisions in the Village of Glen Ellyn. Any man-made change to improved or unimproved property including but not limited to the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation, or utility work on the property that exceeds 300 square feet of disturbed site area except the following:

1. Replacement pavement in the same footprint as existing pavement,
- +2. _____ Decks supported on individual spaced concrete piers,
- +3. _____ Fences supported on spaced posts,
- +4. _____ Replacement detached garages in the same footprint as the existing garage with no more than an additional 20% of garage area, or
- +5. _____ Grading on private property that disturbs less than 1,500 square feet of site area.

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DIAMETER BREAST HEIGHT (HEREINAFTER CALLED D.B.H.): The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature Trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the Crown of an existing Tree but not less than six (6) feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

~~**NON-OWNER OCCUPIED PROPERTY**—Any property within the Village where the property owner does not reside on the premises at least 6 consecutive months each calendar year.~~

PUBLIC NUISANCE: Any Tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other Trees or which could cause a safety hazard affecting the general public.

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any Public Tree within the corporate limits of the Village or a Village parkway.

REGULATED PUBLIC UTILITY: Any utility certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this Chapter with regard to any public utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

REMOVE OR REMOVAL: The causing or accomplishing of the actual physical Removal of a Tree or the effective Removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

SCAFFOLDS: Primary structural branches of the Crown.

TREE: Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multi-stemmed trunk system supporting a definitely-formed Crown, achieving a minimum of at least eight (8) feet in height.

TREE, ADJACENT PROPERTY: Any tree with a four (4) inch D.B.H. or greater on an adjoining private property and located within fifteen (15) feet of the lot line. These trees are Protected Trees unless the owner of the tree designates them as non-protected.

TREE, BORDER: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester. These trees are protected trees unless the Village Forester designates them as non-protected.

TREE, IMPACTED: Any Tree shown on a Tree Preservation Plan, that would otherwise be a protected tree, that will be adversely affected by construction. This tree is not a Removed Tree or a Protected Tree.

TREE, PRIVATE: Any Tree on privately-owned property within the Village.

TREE, PROTECTED: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater.

TREE, PUBLIC: Any Tree or Border Tree on public property or within a public right-of-way in the Village. These trees are Protected Trees unless the Village Forester or his/her designee designates them as non-protected.

TREE, REMOVED: Any tree shown on a Tree Preservation Plan that would otherwise be a protected tree, as being removed after development.

TREE, REPLACEMENT: A nursery-grown certified Tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are Protected Trees unless the owner of the tree designates them as non-protected.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a Public Tree, Significant Tree, Adjacent Property Tree, Impacted Tree, or Protected Tree during construction and shall include a Tree Survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan..

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than twenty-four (24) inches high.

TREE SURVEY: A graphic display of all Protected, Border, Public Significant, Impacted, Removed, and Adjacent Property Trees including their location, condition, species and size. All existing trees that are required to be shown on the tree survey must be identified by number. . The Survey shall show the location of protective fencing and other protective measures to be placed on the lot. The Survey shall also show the location of any Tree, which would otherwise be a protected tree, which was Removed in the prior one-year period.

4-8-3: GENERAL REGULATIONS - PRIVATE PROPERTY INVOLVING DEVELOPMENT:

- (A) **TREE PRESERVATION PLAN REQUIRED:** Development on private property shall require the filing of a Tree Preservation Plan along with other permit application materials required by this Section upon application for a building permit.

Trees which the owner designates on the plan as being susceptible to potential damage due to their location or condition may be designated as Impacted Trees. After the initial tree protection fencing or other protective methods have been put in place these Impacted Trees not be subject to additional regulation provided the required tree fencing or other protective methods are maintained. The Village Forester, or his/her designee, may suggest that trees on the property not shown as Impacted or Protected Trees should be shown as being in those categories, but the final decision shall rest with the applicant.

All work to preserve Protected, Adjacent, Significant, and Impacted Trees shall be according to the Arboricultural Specifications Manual. The Tree Survey shall be drawn to a scale not less than 1" to 20' scale so that the location of each Tree required to be shown on the plan can be identified. The Tree Preservation Plan shall include the following:

1. A Tree Survey as defined above. The Village Forester, or his/her designee, may exclude the Tree Survey requirement on those portions of the site which he/she determines will not be affected by the Development activity. The Survey may be prepared by a registered land surveyor or certified arborist or may be prepared by or under the direction of the owner if it accurately reflects all required tree information. The Village Forester or his/her designee shall, if requested, assist without charge in the identification and size of tree species on those properties that do not require an ISA Certified Arborist review and approval.
2. The name and contact information of the parties responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around Protected Trees.
3. The location, shape, and spatial arrangement of all existing and proposed buildings, walls, improvements, and structures and the excavation limits required to construct proposed improvements.
4. The location, shape and spatial arrangement of all permanent driveways and parking areas and temporary material storage sites and access ways.
5. All existing or new Utility services including water, sanitary sewer, storm sewer, gas, electric, telephone, and cable TV.
6. The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place. In such cases, the Village Forester, or his/her designee, may request additional precautions in order to preserve the health of trees.
7. Existing and proposed grading of the Development area showing elevations with contour lines at one (1) foot intervals if a grading plan is required by some other provision of the Village Code.
8. A Tree Preservation Plan for a new home shall be reviewed and approved by a Certified Arborist for the purpose of evaluating the protective measures proposed on the plan.

- (B) **BUILDING PERMIT REQUIRED:** No building permit shall be issued for Development until the Tree Preservation Plan has been approved by the Village Board (for Planned Unit Developments or Subdivisions) or the Village Forester or his/her designee. In reviewing the Tree Preservation Plan, the Village Forester, or his/her designee, can offer advice and suggest modifications which will better protect existing Trees, but the Tree Preservation Plan shall be approved if it otherwise is in conformity with Village ordinances. The Village shall process the Tree Preservation Plan in no more time than shall be needed to process a building permit unless the application does not fulfill the requirements of this Chapter. Appeals regarding the Tree Preservation Plan or a decision of the Village Forester shall be first submitted to the Public Works Director. A subsequent appeal shall be submitted to the Village Manager. The following steps shall be followed to assure conformance to the approved Tree Preservation Plan and the Tree protection requirements in the Arboricultural Specifications Manual prior to the issuance of a building permit.
1. Tree preservation fencing must be installed and inspected for all protected, significant, impacted, border, public, and adjacent property trees prior to the issuance of a building permit. Tree preservation measures must be installed per the approved Tree Preservation Plan and remain in place during the entire construction period. Fencing shall not be removed or relocated unless authorized in writing.
 2. For a new principal structure an approved Tree Preservation Plan shall be posted on the building site within five (5) feet of the front property line before a building permit is issued and shall remain in place throughout the entirety of the construction of the project. This sign must be posted as shown in the Arboricultural Specifications Manual. The permit applicant shall be responsible for notifying all other contractors working on the property of the Tree Preservation Plan.
 3. The applicant shall notify all adjacent property owners of the proposed construction project and that a Tree Preservation Plan has been prepared and is available for review at the Planning and Development Department of the Village of Glen Ellyn. A copy of such notification along with a list of addresses it was delivered to must be submitted to the Planning and Development Department prior to the issuance of a building permit.
- (C) **PRECAUTIONS DURING CONSTRUCTION:** During construction, all reasonable steps necessary to prevent the destruction or damaging of Protected Trees shall be taken, including, but not limited to, the following:
1. No construction activity, movement, and/or placement of equipment or material or spoils storage shall be permitted within the Critical Root Zone of any Protected Tree on the Tree Preservation Plan unless shown on the approved Tree

Preservation Plan. No excess soil, additional fill, liquids, or construction debris shall be placed within the Critical Root Zone of any Protected Tree.

2. Per the Arboricultural Specifications Manual, appropriate protective fencing shall be installed and maintained for the protection of Protected, Adjacent Property, and Impacted Trees.
3. No attachments, fences, or wires, other than those approved for bracing, guying, or wrapping, shall be attached to Protected Trees during the construction period.
4. Branch pruning, root feeding, and root pruning of Protected Trees and Adjacent Property Trees directly affected by construction shall be conducted by the property owner if suggested by the Village Forester, or his/her designee, and must be completed following the Arboricultural Specifications Manual. On-site inspections must be scheduled with the Village Forester or his/her designee to insure this requirement is met.
5. Unless otherwise shown on the approved Tree Preservation Plan, no soil is to be added to or removed from within the Critical Root Zone of any Protected or Adjacent Property Tree that is to remain, unless shown on the approved Tree Preservation Plan.
6. Regulated public utilities, to the extent permitted by law, shall be responsible for adhering to said Tree Preservation Plan during installation of necessary Utility service lines. A property owner or contractor shall not be responsible for damages caused by the action of a public Utility unless that person directed the location and manner of work of the Utility.
7. Monitoring of the tree protection measures will be conducted by the Village Forester or his/her designee and violations of this ordinance shall be subject to the fees and fines identified in this Chapter.

(D) FEE SCHEDULE FOR TREE PRESERVATION PLAN REVIEW:

1. Plan Review Fee for single-family lots:

Unit Cost for Each:	
Garage / Pool / Other	\$110 each
Addition	\$110 each
Demolition / New House	\$150 each
New House	\$150 each

2. Plan Review Fee for Subdivisions, Special Use Projects, and Planned Unit Developments or lots with any use other than single-family residences:

Cost to review Documents submitted in compliance with Tree Preservation Ordinance: \$50 / hour by consultant (not to exceed \$250)

3. Fees for Additional Field Inspections and Violations

Field Inspection Responding to Complaint (verified violation)	\$50
Tree fence violation	\$50

- (E) **WORK MUST BE ACCORDING TO APPROVED TREE PRESERVATION PLAN:** It shall be unlawful for any person, firm, or a corporation to fail to abide by the terms of any Tree Preservation Plan pursuant to which a building permit has been issued, including all regulated public utilities.
- (F) **STOP WORK ORDER AUTHORIZED FOR NON-COMPLIANCE WITH TREE PRESERVATION PLAN:** If the Village Forester, or his/her designee, or a Building Inspector observes the precautions specified in the Tree Preservation Plan were not undertaken before construction commenced or not maintained during construction, a stop work order may be issued. The stop work order shall remain in place until the permittee complies with the approved Tree Preservation Plan and/or corrects the issues stated in the stop work order.
- (G) **AMENDMENT TO TREE PRESERVATION PLAN AND REMOVAL OF PROTECTED TREES:** An application can be made to the Village Forester to amend a Tree Preservation Plan. No amendment shall be permitted where the provisions of the approved Plan have not been followed. An application shall be approved where changed facts and circumstances not within the control of the applicant create an undue hardship in complying with the Plan. Where a Protected Tree has been damaged such that its Removal is required, the Forester shall approve its Removal after adequately documenting any violations of this Chapter which have caused or contributed to the Removal of a Protected Tree.
- (H) **TREE CONTRACTOR REGISTRATION:** Any person, firm, or corporation which is employed to prune or remove any public tree, protected tree, or significant tree shall be required to register with the Public Works Department. There shall be no charge for registration, but the registration form shall include information regarding at least the name, address and telephone number of the contractor, and the number of years the contractor has been in business. Registration forms will be filed on or before May 1 of each year and shall be annually updated if listed information should change. A registered contractor shall report to the Village any tree removed within seven (7) days after the removal. This report shall contain the address of the lot from which the tree was removed, the reason for removal, the species, and DBH.

- 4-8-4: INTERFERENCE WITH THE VILLAGE FORESTER: It shall be a violation of this Chapter for any person to unreasonably hinder, prevent, delay, or interfere with the Village Forester, Building and Zoning Official, or their agents while engaged in the execution or enforcement of this Chapter.
- 4-8-5: VIOLATION AND PENALTY: Any person who violates any provision of this Chapter or who fails to comply with any notice issued pursuant to the provisions of this Chapter, upon being found guilty of violation, shall be subject to a minimum fine of two hundred fifty dollars (\$250) and a maximum fine of not to exceed seven hundred and fifty dollars (\$750), depending on severity of violation, for each separate offense. Each day during which any violation of the provisions of this Chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this Chapter has been violated, to enjoin the person, through an affirmative or mandatory injunction, to cease a violation of this Chapter or to require the actions mandated within this Chapter to be performed.

~~4-8-6: MULTIPLE TREE REMOVAL ON NON-OWNER OCCUPIED PROPERTY (CLEAR CUTTING PROVISION):~~

~~Any property owner who does not reside on the property as their primary residence (defined as at least six consecutive months during the last year), may not remove any tree with a ten (10) inch D.B.H. or greater or any multi-branch tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H. without the approval of a Tree Preservation Plan.~~

~~The property owner may request permission from the Village Forester or his/her designee, to remove trees considered to be in decline, dead, diseased, invasive, or otherwise compromised. Tree Preservation Plans for Planned Unit Development, Subdivision, and Special Use development projects shall be approved by the Village Board.~~

~~Any person that removes a tree under the provisions of Section 4-8-6 shall compensate the Village for the removal of the tree. The amount paid shall be \$150 per inch of tree removed measured at the remaining stump. If the stump has been removed and clear evidence of a removed tree exists, the person shall pay a fine of \$2,000 for the removed tree, regardless of the original size. These collected funds shall be deposited into the Village's Tree Restoration Fund.~~

~~Appeals regarding this provision shall be first submitted to the Public Works Director. A subsequent appeal shall be submitted to the Village Manager.~~

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

~~DRAFT 5-13-11~~

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this

_____ day of _____, 2011.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois this _____ day of

_____, 2011.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the ____ day of _____, 2011.)

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ORDINANCE NO. _____ - VC

AN ORDINANCE AMENDING
TITLE 4, CHAPTER 8 (TREE PRESERVATION)
OF THE GLEN ELLYN VILLAGE CODE
REGARDING TREE PRESERVATION ON PRIVATE PROPERTY

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION ONE: Chapter 8 (TREE PRESERVATION) of Title 4 (BUILDING REGULATIONS) of the Village Code of the Village of Glen Ellyn, Illinois, is hereby deleted in its entirety and replaced with the following:

Chapter 8

TREE PRESERVATION

4-8-1: PURPOSE: The purpose of this Chapter of the Village Code is to enhance the private property portion of the Community Forest by assuring the preservation and protection of Protected Trees. Chapter 4 entitled "Forestry Management" of Title 8 "Public Ways and Property" of this Code is applicable to the public property portion of the Community Forest. These Chapters complement each other to enhance the total Community Forest in Glen Ellyn. It is the stated public policy of the Village to add to the Tree population within the Village, where possible, and to maintain, to the greatest extent possible, existing Trees within the Village. The planting of additional Trees, preservation of existing Trees, and proper maintenance of Trees in the Village will improve the quality of life in Glen Ellyn.

4-8-2: DEFINITIONS: As used within this Chapter and Chapter 4 of Title 8 of this Code, the following terms shall have the meaning set forth in this section:

ARBORICULTURAL SPECIFICATIONS MANUAL: A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time-to-time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting, maintenance, and Removal of Trees, shrubs, and other plants upon Village property and regulated Trees on private property.

COMMUNITY FOREST: The entire Tree population in the Village of Glen Ellyn, including Trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five-year plan for the improvement of the Village of Glen Ellyn Community Forest and approved by the Village Board.

CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one (1) foot for every inch of D.B.H. but not less than six (6) feet from the trunk of the Tree.

CROWN: Parts of a Tree above the trunk including leaves, branches, and scaffolds.

DEVELOPMENT: All new Planned Unit Developments and Subdivisions in the Village of Glen Ellyn. Any man-made change to improved or unimproved property including but not limited to the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation, or utility work on the property that exceeds 300 square feet of disturbed site area except the following:

1. Replacement pavement in the same footprint as existing pavement,
2. Decks supported on individual spaced concrete piers,
3. Fences supported on spaced posts,
4. Replacement detached garages in the same footprint as the existing garage with no more than an additional 20% of garage area, or
5. Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (HEREINAFTER CALLED D.B.H.): The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature Trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the Crown of an existing Tree but not less than six (6) feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

PUBLIC NUISANCE: Any Tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other Trees or which could cause a safety hazard affecting the general public.

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any Public Tree within the corporate limits of the Village or a Village parkway.

REGULATED PUBLIC UTILITY: Any utility certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this Chapter with regard to any public utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

REMOVE OR REMOVAL: The causing or accomplishing of the actual physical Removal of a Tree or the effective Removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

SCAFFOLDS: Primary structural branches of the Crown.

TREE: Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multi-stemmed trunk system supporting a definitely-formed Crown, achieving a minimum of at least eight (8) feet in height.

TREE, ADJACENT PROPERTY: Any tree with a four (4) inch D.B.H. or greater on an adjoining private property and located within fifteen (15) feet of the lot line. These trees are Protected Trees unless the owner of the tree designates them as non-protected.

TREE, BORDER: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester. These trees are protected trees unless the Village Forester designates them as non-protected.

TREE, IMPACTED: Any Tree shown on a Tree Preservation Plan, that would otherwise be a protected tree, that will be adversely affected by construction. This tree is not a Removed Tree or a Protected Tree.

TREE, PRIVATE: Any Tree on privately-owned property within the Village.

TREE, PROTECTED: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater.

TREE, PUBLIC: Any Tree or Border Tree on public property or within a public right-of-way in the Village. These trees are Protected Trees unless the Village Forester or his/her designee designates them as non-protected.

TREE, REMOVED: Any tree shown on a Tree Preservation Plan that would otherwise be a protected tree, as being removed after development.

TREE, REPLACEMENT: A nursery-grown certified Tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are Protected Trees unless the owner of the tree designates them as non-protected.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a Public Tree, Significant Tree, Adjacent Property Tree, Impacted Tree, or Protected Tree during construction and shall include a Tree Survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan..

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than twenty-four (24) inches high.

TREE SURVEY: A graphic display of all Protected, Border, Public Significant, Impacted, Removed, and Adjacent Property Trees including their location, condition, species and size. All existing trees that are required to be shown on the tree survey must be identified by number. . The Survey shall show the location of protective fencing and other protective measures to be placed on the lot. The Survey shall also show the location of any Tree, which would otherwise be a protected tree, which was Removed in the prior one-year period.

4-8-3: GENERAL REGULATIONS - PRIVATE PROPERTY INVOLVING DEVELOPMENT:

- (A) **TREE PRESERVATION PLAN REQUIRED:** Development on private property shall require the filing of a Tree Preservation Plan along with other permit application materials required by this Section upon application for a building permit.

Trees which the owner designates on the plan as being susceptible to potential damage due to their location or condition may be designated as Impacted Trees. After the initial tree protection fencing or other protective methods have been put in place these Impacted Trees not be subject to additional regulation provided the required tree fencing or other protective methods are maintained. The Village Forester, or his/her designee, may suggest that trees on the property not shown as Impacted or Protected Trees should be shown as being in those categories, but the final decision shall rest with the applicant.

All work to preserve Protected, Adjacent, Significant, and Impacted Trees shall be according to the Arboricultural Specifications Manual. The Tree Survey shall be drawn to a scale not less than 1" to 20' scale so that the location of each Tree required to be shown on the plan can be identified. The Tree Preservation Plan shall include the following:

1. A Tree Survey as defined above. The Village Forester, or his/her designee, may exclude the Tree Survey requirement on those portions of the site which he/she determines will not be affected by the Development activity. The Survey may be prepared by a registered land surveyor or certified arborist or may be prepared by or under the direction of the owner if it accurately reflects all required tree information. The Village Forester or his/her designee shall, if requested, assist without charge in the identification and size of tree species on those properties that do not require an ISA Certified Arborist review and approval.
 2. The name and contact information of the parties responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around Protected Trees.
 3. The location, shape, and spatial arrangement of all existing and proposed buildings, walls, improvements, and structures and the excavation limits required to construct proposed improvements.
 4. The location, shape and spatial arrangement of all permanent driveways and parking areas and temporary material storage sites and access ways.
 5. All existing or new Utility services including water, sanitary sewer, storm sewer, gas, electric, telephone, and cable TV.
 6. The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place. In such cases, the Village Forester, or his/her designee, may request additional precautions in order to preserve the health of trees.
 7. Existing and proposed grading of the Development area showing elevations with contour lines at one (1) foot intervals if a grading plan is required by some other provision of the Village Code.
 8. A Tree Preservation Plan for a new home shall be reviewed and approved by a Certified Arborist for the purpose of evaluating the protective measures proposed on the plan.
- (B) **BUILDING PERMIT REQUIRED:** No building permit shall be issued for Development until the Tree Preservation Plan has been approved by the Village Board (for Planned Unit Developments or Subdivisions) or the Village Forester or his/her designee. In reviewing the Tree Preservation Plan, the Village Forester, or his/her designee, can offer advice and suggest modifications which will better protect existing Trees, but the Tree Preservation Plan shall be approved if it otherwise is in conformity with Village ordinances. The Village shall process the Tree Preservation Plan in no more time than

shall be needed to process a building permit unless the application does not fulfill the requirements of this Chapter. Appeals regarding the Tree Preservation Plan or a decision of the Village Forester shall be first submitted to the Public Works Director. A subsequent appeal shall be submitted to the Village Manager. The following steps shall be followed to assure conformance to the approved Tree Preservation Plan and the Tree protection requirements in the Arboricultural Specifications Manual prior to the issuance of a building permit.

1. Tree preservation fencing must be installed and inspected for all protected, significant, impacted, border, public, and adjacent property trees prior to the issuance of a building permit. Tree preservation measures must be installed per the approved Tree Preservation Plan and remain in place during the entire construction period. Fencing shall not be removed or relocated unless authorized in writing.
2. For a new principal structure an approved Tree Preservation Plan shall be posted on the building site within five (5) feet of the front property line before a building permit is issued and shall remain in place throughout the entirety of the construction of the project. This sign must be posted as shown in the Arboricultural Specifications Manual. The permit applicant shall be responsible for notifying all other contractors working on the property of the Tree Preservation Plan.
3. The applicant shall notify all adjacent property owners of the proposed construction project and that a Tree Preservation Plan has been prepared and is available for review at the Planning and Development Department of the Village of Glen Ellyn. A copy of such notification along with a list of addresses it was delivered to must be submitted to the Planning and Development Department prior to the issuance of a building permit.

(C) **PRECAUTIONS DURING CONSTRUCTION:** During construction, all reasonable steps necessary to prevent the destruction or damaging of Protected Trees shall be taken, including, but not limited to, the following:

1. No construction activity, movement, and/or placement of equipment or material or spoils storage shall be permitted within the Critical Root Zone of any Protected Tree on the Tree Preservation Plan unless shown on the approved Tree Preservation Plan. No excess soil, additional fill, liquids, or construction debris shall be placed within the Critical Root Zone of any Protected Tree.
2. Per the Arboricultural Specifications Manual, appropriate protective fencing shall be installed and maintained for the protection of Protected, Adjacent Property, and Impacted Trees.

3. No attachments, fences, or wires, other than those approved for bracing, guying, or wrapping, shall be attached to Protected Trees during the construction period.
4. Branch pruning, root feeding, and root pruning of Protected Trees and Adjacent Property Trees directly affected by construction shall be conducted by the property owner if suggested by the Village Forester, or his/her designee, and must be completed following the Arboricultural Specifications Manual. On-site inspections must be scheduled with the Village Forester or his/her designee to insure this requirement is met.
5. Unless otherwise shown on the approved Tree Preservation Plan, no soil is to be added to or removed from within the Critical Root Zone of any Protected or Adjacent Property Tree that is to remain, unless shown on the approved Tree Preservation Plan.
6. Regulated public utilities, to the extent permitted by law, shall be responsible for adhering to said Tree Preservation Plan during installation of necessary Utility service lines. A property owner or contractor shall not be responsible for damages caused by the action of a public Utility unless that person directed the location and manner of work of the Utility.
7. Monitoring of the tree protection measures will be conducted by the Village Forester or his/her designee and violations of this ordinance shall be subject to the fees and fines identified in this Chapter.

(D) FEE SCHEDULE FOR TREE PRESERVATION PLAN REVIEW:

1. Plan Review Fee for single-family lots:

Unit Cost for Each:

Garage / Pool / Other Addition	\$110 each
Demolition / New House	\$150 each
New House	\$150 each

2. Plan Review Fee for Subdivisions, Special Use Projects, and Planned Unit Developments or lots with any use other than single-family residences:

Cost to review Documents submitted in compliance with Tree Preservation Ordinance:
 consultant \$50 / hour by

(not to exceed \$250)

3. Fees for Additional Field Inspections and Violations

Field Inspection Responding to Complaint (verified violation)	\$50
Tree fence violation	\$50

- (E) **WORK MUST BE ACCORDING TO APPROVED TREE PRESERVATION PLAN:** It shall be unlawful for any person, firm, or a corporation to fail to abide by the terms of any Tree Preservation Plan pursuant to which a building permit has been issued, including all regulated public utilities.
- (F) **STOP WORK ORDER AUTHORIZED FOR NON-COMPLIANCE WITH TREE PRESERVATION PLAN:** If the Village Forester, or his/her designee, or a Building Inspector observes the precautions specified in the Tree Preservation Plan were not undertaken before construction commenced or not maintained during construction, a stop work order may be issued. The stop work order shall remain in place until the permittee complies with the approved Tree Preservation Plan and/or corrects the issues stated in the stop work order.
- (G) **AMENDMENT TO TREE PRESERVATION PLAN AND REMOVAL OF PROTECTED TREES:** An application can be made to the Village Forester to amend a Tree Preservation Plan. No amendment shall be permitted where the provisions of the approved Plan have not been followed. An application shall be approved where changed facts and circumstances not within the control of the applicant create an undue hardship in complying with the Plan. Where a Protected Tree has been damaged such that its Removal is required, the Forester shall approve its Removal after adequately documenting any violations of this Chapter which have caused or contributed to the Removal of a Protected Tree.
- (H) **TREE CONTRACTOR REGISTRATION:** Any person, firm, or corporation which is employed to prune or remove any public tree, protected tree, or significant tree shall be required to register with the Public Works Department. There shall be no charge for registration, but the registration form shall include information regarding at least the name, address and telephone number of the contractor, and the number of years the contractor has been in business. Registration forms will be filed on or before May 1 of each year and shall be annually updated if listed information should change. A registered contractor shall report to the Village any tree removed within seven (7) days after the removal. This report shall contain the address of the lot from which the tree was removed, the reason for removal, the species, and D.B.H.

4-8-4: **INTERFERENCE WITH THE VILLAGE FORESTER:** It shall be a violation of this Chapter for any person to unreasonably hinder, prevent, delay, or interfere with the Village Forester, Building and Zoning Official, or their agents while engaged in the execution or enforcement of this Chapter.

4-8-5: **VIOLATION AND PENALTY:** Any person who violates any provision of this Chapter or who fails to comply with any notice issued pursuant to the provisions of this Chapter, upon being found guilty of violation, shall be subject to a minimum fine of two hundred fifty dollars (\$250)

and a maximum fine of not to exceed seven hundred and fifty dollars (\$750), depending on severity of violation, for each separate offense. Each day during which any violation of the provisions of this Chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this Chapter has been violated, to enjoin the person, through an affirmative or mandatory injunction, to cease a violation of this Chapter or to require the actions mandated within this Chapter to be performed.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2011.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois this _____ day of _____, 2011.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 2011.)

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ORDINANCE NO. _____ - VC

AN ORDINANCE TO AMEND
TITLE 8, CHAPTER 4 (FORESTRY MANAGEMENT)
OF THE GLEN ELLYN VILLAGE CODE
REGARDING TREE PRESERVATION ON PUBLIC PROPERTY

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION ONE: Chapter 4 (FORESTRY MANAGEMENT) of Title 8 (PUBLIC WAYS AND PROPERTY) of the Village Code of the Village of Glen Ellyn, Illinois, is hereby deleted in its entirety and replaced with the following:

Chapter 4

FORESTRY MANAGEMENT

8-4-1: PURPOSE:

The purpose of this Chapter of the Village Code is to enhance the public property portion of the Community Forest by assuring the preservation, protection, planting, and proper maintenance of parkway Trees. Chapter 8 entitled "Tree Preservation" of Title 4 "Building Regulations" of this Code is applicable to the private property portion of the Community Forest. These chapters complement each other to enhance the total Community Forest in Glen Ellyn.

8-4-2: DEFINITIONS:

As used within this Chapter and Chapter 8 of Title 4 of this Code, the following terms shall have the meaning set forth in this section:

ARBORICULTURAL SPECIFICATIONS MANUAL: A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time-to-time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting, maintenance,

and Removal of Trees, shrubs, and other plants upon Village property and regulated Trees on private property.

COMMUNITY FOREST: The entire Tree population in the Village of Glen Ellyn, including Trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five-year plan for the improvement of the Village of Glen Ellyn Community Forest and approved by the Village Board.

CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one (1) foot for every inch of D.B.H. but not less than six (6) feet from the trunk of the Tree.

CROWN: Parts of a Tree above the trunk including leaves, branches, and scaffolds.

DEVELOPMENT: All new Planned Unit Developments and Subdivisions in the Village of Glen Ellyn. Any man-made change to improved or unimproved property including but not limited to the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation, or utility work on the property that exceeds 300 square feet of disturbed site area except the following:

1. Replacement pavement in the same footprint as existing pavement,
2. Decks supported on individual spaced concrete piers,
3. Fences supported on spaced posts,
4. Replacement detached garages in the same footprint as the existing garage with no more than an additional 20% of garage area, or
5. Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (HEREINAFTER CALLED D.B.H.): The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature Trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the Crown of an existing Tree but not less than six (6) feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

~~**NON OWNER OCCUPIED PROPERTY**—Any property within the Village where the property owner does not reside on the premises at least 6 consecutive months each calendar year.~~

PUBLIC NUISANCE: Any Tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other Trees or which could cause a safety hazard affecting the general public.

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any Public Tree within the corporate limits of the Village or a Village parkway.

REGULATED PUBLIC UTILITY: Any utility certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this Chapter with regard to any public utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

REMOVE OR REMOVAL: The causing or accomplishing of the actual physical Removal of a Tree or the effective Removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

SCAFFOLDS: Primary structural branches of the Crown.

TREE: Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multi-stemmed trunk system supporting a definitely-formed Crown, achieving a minimum of at least eight (8) feet in height.

TREE, ADJACENT PROPERTY: Any tree with a four (4) inch D.B.H. or greater on an adjoining private property and located within fifteen (15) feet of the lot line. These trees are Protected Trees unless the owner of the tree designates them as non-protected.

TREE, BORDER: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester. These trees are protected trees unless the Village Forester designates them as non-protected.

TREE, IMPACTED: Any Tree shown on a Tree Preservation Plan, that would otherwise be a protected tree, that will be adversely affected by construction. This tree is not a Removed Tree or a Protected Tree.

TREE, PRIVATE: Any Tree on privately-owned property within the Village.

TREE, PROTECTED: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater.

TREE, PUBLIC: Any Tree or Border Tree on public property or within a public right-of-way in the Village. These trees are Protected Trees unless the Village Forester or his/her designee designates them as non-protected.

TREE, REMOVED: Any tree shown on a Tree Preservation Plan that would otherwise be a protected tree, as being removed after development.

TREE, REPLACEMENT: A nursery-grown certified Tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are Protected Trees unless the owner of the tree designates them as non-protected.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a Public Tree, Significant Tree, Adjacent Property Tree, Impacted Tree, or Protected Tree during construction and shall include a Tree Survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan..

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than twenty-four (24) inches high.

TREE SURVEY: A graphic display of all Protected, Border, Public Significant, Impacted, Removed, and Adjacent Property Trees including their location, condition, species and size. All existing trees that are required to be shown on the tree survey must be identified by number. The Survey shall show the location of protective fencing and other protective measures to be placed on the lot. The Survey shall also show the location of any Tree, which would otherwise be a protected tree, which was Removed in the prior one-year period.

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8-4-3: VILLAGE FORESTER: The Village Forester shall be appointed by the Village Manager. The Village Forester shall be responsible for the enforcement of the Forestry Management@ and Tree Preservation@ Chapters of the Village Code.

8-4-4: REGISTERED TREE CONTRACTOR: Any person, firm, or corporation which is employed to prune or Remove any Public Tree, Protected Tree, or Significant Tree shall be required to register with the Public Works Department. There shall be no charge for the registration; but the registration form shall include information regarding at least the name, address and telephone number of the contractor; the name, address, and telephone number of the owner or owners of the contractor; and the number of years the contractor has been in business. Registration forms will be filed on or before May 1st of each year and shall be annually updated if listed information should change.

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A Registered Contractor shall report to the Village any Tree Removed within seven (7) days after the Removal. This report shall contain the address of the lot from which the Tree was Removed, the reason for Removal, the species, and D.B.H.

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It shall be a violation of the ordinances of the Village for any person, firm, or corporation to perform the aforesaid work within the Village without having filed a registration form either initially or on an annual basis or having failed to disclose full and accurate information required on that registration form. In addition to instituting an action to seek fines for the failure to register or providing inaccurate information in the registration forms, the Village President may suspend or revoke the registration if a Tree Contractor fails to comply with the requirements of the Village ordinances.

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A suspension or revocation shall only take place after the Village President has held a hearing upon not less than five days' written notice. The Tree Contractor shall be provided with a written statement of the provisions of the Village ordinances which the Tree Contractor is alleged to have violated. At such hearing, the Tree Contractor shall be entitled to be represented by counsel who shall be permitted to present witnesses and cross-examine any other witnesses that appear at the hearing. A suspension may be for a period of up to six (6) months; a revocation shall be for a period of two (2) years. It shall be a violation of this Chapter for any Registered Tree Contractor to employ within the Village a person who was employed by a Tree Contractor whose permit was suspended or revoked during the period of the suspension or revocation.

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8-4-5: GENERAL REGULATIONS - PUBLIC PROPERTY:

- (A) **WORK ON PUBLIC TREES:** Work on Public Trees may only be carried on by a Registered Tree Contractor with a valid current registration selected or approved by the Village Forester, or his/her designee, and issued a permit to carry out such work. This provision shall not ~~be construed to~~ prohibit owners of property adjacent to Village-owned property from watering or fertilizing ~~without a permit~~ any Tree, shrub, or other plant on Village-owned property.
- (B) **DAMAGE TO TREES, SHRUBS, OR OTHER PLANTS PROHIBITED:** It shall be unlawful for any person to injure, prune, Remove, destroy, attach any rope, wire, nail, or other contrivance; place any compacted stone, cement, or other impervious matter or substance as may obstruct the free access of air and water to the roots (ie. Landscape fabric), improper mulching techniques (volcano mulch); or Remove any device set for the protection of any Tree, shrub, or other plants on Village-owned property without approval from the Village Forester or his/her designee.
- (C) **CARE OF PUBLIC PROPERTY WHEN WORKING ON PRIVATE PROPERTY:** It shall be unlawful for the person working on private or public property to leave any

Public Tree that may be affected by building, structure, or other work without proper Tree preservation methods as stated by the Village Forester or his/her designee per the Arboricultural Specifications Manual.

- (D) **WORK STANDARDS ON PUBLIC TREES MUST BE FOLLOWED:** Work done on Public Trees shall follow the standards outlined in the Arboricultural Specifications Manual. A copy of the Arboricultural Specifications Manual is on file and may be reviewed at the office of the Village Forester, [viewed on our website](#) or may be purchased at the Civic Center.
- (E) **DAMAGE TO PUBLIC TREES CAUSING REMOVAL (PAYMENT OR REPLACEMENT):** Any person that damages a Public Tree so severely that the Public Tree dies or requires Removal shall compensate the Village for the loss of the Public Tree. The amount paid shall be based on the following schedule:
1. If the damaged Public Tree is less than eight (8) inches in diameter (measured at twelve [12] inches above ground level), the amount paid shall be determined by using the Replacement Cost Method of evaluating Trees found in the latest edition of the Council of Tree and Landscape Appraisers Guide (CTLA) for Plant Appraisal, which guide is adopted by reference by the Village as if it were a part of this Chapter.
 2. For Public Trees larger than an eight (8) inch trunk diameter, the amount paid shall be determined by using the Trunk Formula Method of evaluating Trees found in the latest edition of CTLA's Guide.
 3. Added to the costs established under Sections (E)-1 and (E)-2 shall be the cost of the Removal and stump grinding of the Public Tree.
 4. In addition to the prosecution for a business offense, in accordance with Section (F) herein, the Village may seek to recover the cost of the damaged Public Tree, in the amount computed under Sections (E)-1, 2 and 3, through a civil action. ~~In lieu of a cash payment awarded as a civil judgment, a comparable size Replacement Tree or smaller diameter Replacement Trees equaling the number of inches Removed may be planted. A recommendation as to whether to accept cash or Replacement Trees and the determination of the type, size, number and location of Replacement Trees shall be made by the Village Forester, or his/her designee, who shall recommend to the Village the nature of the recovery which will be sought.~~
 5. ~~Any Replacement Trees shall be planted following the Arboricultural Specifications Manual.~~

- (F) **DAMAGE TO PUBLIC TREES CAUSING REMOVAL (CIVIL FINE):** Any person that damages a Public Tree so severely that the Public Tree dies or requires Removal shall be guilty of a business offense and, upon a conviction thereof, shall pay a fine which shall not be less than \$1,000.00 nor more than that established under the formula set out in Sections (E)-1 and (E)-2, ~~but not more than \$10,000.00~~, and in addition to the cost of the Removal of the Tree.
- (G) **INJURY TO PUBLIC TREES NOT REQUIRING REMOVAL (PAYMENT):** Any person that causes injury to a Public Tree that requires treatment may avoid a civil fine by paying the actual cost to treat the Tree.
- (H) **INJURY TO PUBLIC TREES NOT REQUIRING REMOVAL (CIVIL FINE):** Any person that causes injury to a Public Tree so that the Tree requires treatment shall be guilty of a business offense. The fine upon conviction shall be equal to the actual cost incurred by the Village in treating the Tree for the injury.
- (I) **TIME FOR BRINGING AN ACTION AND DAMAGE OR INJURY:** The Village shall not prosecute any person for causing damage or injury to Public Trees when the action of such person was limited to lawn mowing using a non-riding lawn mower or a "weed whacker" unless the person was notified of the problem and continued to cause damage to the tree. Nor shall a person be liable for fines or reimbursement when damage is done by a Regulated Public Utility unless that person has specifically directed the location and manner of work performed by the Utility which caused the damage, however the person that has specifically caused damaged will be liable. Any action by the Village seeking fines or reimbursements for costs relating to damage or injury to Public Trees must be commenced within three (3) years of the date of the refund of deposit. when the damage or injury occurred.

8-4-6: **ACCESS TO A PUBLIC RIGHT-OF-WAY OVER A PUBLIC PARKWAY WHICH CANNOT REASONABLY BE ACCOMPLISHED EXCEPT THROUGH THE REMOVAL OF A PUBLIC TREE:** In determining whether reasonable access can be gained to the public right-of-way, the Village Forester may require the applicant seeking access to choose alternate methods of access to the public right-of-way which shall not require damage or removal to a Public Tree. The Village shall determine the point of access which will provide an opening to the public right-of-way. Where, however, public access can only be reasonably granted through the Removal of a Public Tree, the permit, if otherwise proper, shall be granted; and the property owner shall not be required to reimburse the Village for the value of the Tree but only for the cost of Removal of tree and stump and Replacement 4" DBH tree.

8-4-7: PERMITS REQUIRED:

- (A) PERMITS REQUIRED TO DO WORK ON PUBLIC TREES: Except for work performed by an employee or independent contractor of the Village, none of the following acts relating to Public Trees may be carried out except by a Registered Tree Contractor ~~or a subcontractor to the Registered Tree Contractor~~ who has first secured a written permit from the Village Forester, or his/her designee. The Village shall determine those Registered-Tree Contractors who shall be allowed to perform work on Public Trees. No person except the Village Forester, an agent of the Village Forester, or a contractor hired by the Village under the supervision of the Village Forester may do any of the following acts related to Public Trees without first securing a written permit from the Village Forester, or his/her designee:
1. Plant, transplant, treat, prune, or Remove any Public Tree (excludes watering and fertilization).
 2. Place in a public right-of-way, either above or below ground level, a container for Trees, shrubs, or other plants.
- (B) PERMITS REQUIRED TO DO TUNNELING OR EXCAVATION NEAR PUBLIC TREES: Except for work performed by an employee or an independent contractor of the Village, none of the following acts relating to Public Trees may be carried out except by a person, including a Regulated Public Utility, who has first secured a written permit from the Village Forester: dig a tunnel, trench, or other excavation; install a driveway approach; plant within the Critical Root Zone for flower boxes, etc.; or roto-till or dig within the Critical Root Zone of any Public Tree.
- (C) PERMIT: Applications for permits must be made at the office of the Building and Zoning Official not less than ~~five ten~~ (510) working days before the time the work is to be done. Notice of completion of the work authorized by the permit shall be given within five (5) days to the Village Forester for inspection. The issue of the permit and the inspection shall be accomplished within a reasonable period of time provided, however, that the work may not be performed without the issuance of a permit.

The Village may also require a permit in situations where Development will take place in such a manner as to cause stress to Public Trees even if no Removal is contemplated.

This permit shall not be construed to exempt any person from the requirements of obtaining additional permits required by law.

If the request includes Removal of a Public Tree where the Village consents to the Removal where another access to the public right-of-way could have been reasonably provided, a fee reflecting the value of the Tree, plus the cost of Removal of tree and stump, shall be paid to the Village before the issuance of any permit. The fee shall be calculated according to Section 8-4-5 (E) of this Chapter. If the request includes Removal of a Public Tree where no other access to the property was available, a fee reflecting only the cost of Removal of tree and stump and all costs associated with the purchase and planting of a 4' tree and a one year guarantee ~~of the Tree~~ shall be paid to the Village before the issuance of any permit. Tree Removal shall be done by a contractor hired by the Village of Glen Ellyn.

8-4-8: ENHANCEMENT OF TREE POPULATION; PRIVATE PROPERTY OWNERS REQUIRED TO PLANT NEW PUBLIC TREES: Any contractor, owner, or agent obtaining a building permit for residential construction greater than one thousand five hundred (1,500) square feet, or business, industrial, or other non-residential construction or additions to such structures increasing the bulk thereof by greater than one thousand five hundred (1,500) square feet shall be required, as part of the permit, to assure that a Public Tree(s), following the Arboricultural Specifications Manual, is planted at a location on an adjacent public parkway as selected by the Village Forester. If the public parkway adjacent to the lot has Public Trees that meet the standards found in the Arboricultural Specifications Manual, as determined by the Village Forester, no new Trees need be planted. The contractor, owners, or agents shall pay to the Village a fee to pay for the total cost of purchasing and planting the required Trees. The fee shall be based on the current average cost the Village pays for the planting of parkway Trees two (2) inches in diameter, which shall include all costs associated with the cost of purchase the Tree, and planting, and a one year guarantee. ~~one year guarantee.~~

8-4-9: RESTORATION DEPOSITS: Restoration deposits shall be required for: (1) development on private property which requires access to the private property from the public right-of-way on which any Public Tree exists or (2) work in the public right-of-way requiring a work permit. The deposit provides financial assurance that any public tree damaged during the Development, or under a work permit, will be restored by the permit holder. The deposit will be available for any cost the Village incurs to correct damage to Public Trees caused by the work.

(A) NEW CONSTRUCTION, ADDITIONS, OR ALTERATIONS: Any contractor, owner, or agent obtaining a permit for Development on private property or a work permit on public property shall deposit with the ~~Management Services~~ Finance Department the Landscape value of all Public Trees that may be affected or two thousand dollars (\$2,000), whichever is less. This deposit shall be returned by the ~~Management Services~~ Finance Director, without interest, upon written notice from the Village Forester that the work has been completed and that the existing Public Trees have not been damaged or have been satisfactorily repaired.

- (B) DEPOSIT USES BY VILLAGE TO REPLACE DAMAGED PUBLIC TREES: If, at the time of final inspection for a Development, or work in the parkway permit ~~public work under work permit, for which a deposit has been required~~, it is determined that Public Trees within the parkway have been damaged, the Village Forester or designee shall mail a written notice to the contractor, owner, or agent, or identify deficiency on permit, advising them of such defects along with a demand that the defects must be remedied. The defects ~~which exist in Trees, shrubs or other plants~~ shall be remedied by ~~or under the supervision of a certified arborist approved by a contractor hired by~~ the Village Forester or designee at the appropriate time within thirty (30) days from the date of that notice. If the defects are not remedied within thirty (30) days or the time specified by the Village Forester, or his/her designee, The Building and Zoning Official shall give written notice to the **Management Services Finance** Director to forfeit said deposit and transfer the same to a Forestry escrow account as determined by the Village Forester, or her designee. If the damage is of such magnitude that the cost of correction exceeds the amount of the deposit, the applicant shall deposit sufficient additional funds to pay for the required work or the Village shall be permitted to act pursuant to Section 8-4-5 of this Chapter.

8-4-10: PUBLIC NUISANCES:

- (A) THE FOLLOWING ARE HEREBY DECLARED PUBLIC NUISANCES UNDER THIS SECTION OF THE CODE:
1. Any -Tree, shrub, or other plant, breeding places, or portion thereof, whether on Village-owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any Tree, shrub, or other plant; i.e., Dutch Elm Disease, Oak Wilt, Emerald Ash Borer, Asian Longhorned Beetle and any other insect/disease deemed a Public Nuisance by the Village Forester, or his/her designee.
 2. The pruning of elms or oaks on public and private property from ~~May~~ April through August is prohibited unless a hazardous situation arises. If elms or oaks are pruned between April and November, the wounds must be painted with non-toxic tree wound dressing.
 3. Any Tree, shrub, or other plant or portion thereof, whether on Village-owned property or on private property, which overhangs or because of its deteriorated condition may fall onto the Village right-of-way and constitutes an imminent danger to the health, safety, or welfare of the public.

4. Any Tree, shrub, or other plant or portion thereof, whether on Village-owned property or on private property, which obstructs or interferes with the free and safe passage of pedestrian or vehicular traffic.
 5. The cost of abatement will be shared equally between the two parties for any Border Tree identified as a nuisance. The Removal of said nuisance shall be by the Village or contractor hired by the Village.
- (B) UNLAWFUL TO MAINTAIN PUBLIC NUISANCES: It shall be unlawful for the owner of any lot or parcel of land or a tenant upon the land in the Village of Glen Ellyn to permit or maintain on any such lot or parcel of land a Public Nuisance as set out in Section 8-4-10 (A) of this Chapter. It shall be the duty of such owners to promptly Remove any such nuisance.
- (C) INSPECTION OF PUBLIC NUISANCE: To carry out the purpose of this Ordinance and to implement the enforcement thereof, the Village Forester, or his/her designee, is hereby authorized and empowered to request permission from the property owner or person in apparent possession to enter upon any land in the Village at all reasonable hours to inspect any Public Nuisance. The Village Forester, or his/her designee, is hereby empowered to seek from any court of competent jurisdiction an order permitting a search of private property in the event that the Village has a reasonable basis to believe that a Public Nuisance exists on the property or that the ordinances of the Village are being otherwise violated. Either with permission or pursuant to a court order, the Village Forester or a duly-authorized representative may Remove specimens from any Trees, shrubs, or other plants for the purpose of laboratory analysis or for evidentiary purposes. It shall be unlawful for any person, firm or corporation to hinder the Village Forester or a representative in the performance of any duties performed under the provisions of this Chapter.
- (D) ABATEMENT OF PUBLIC NUISANCE: When the Public Nuisance represents an imminent threat to the health or safety of persons or property, the Village may, through its officers, employees, or independent contractors, enter upon the private property and abate the nuisance. The Village may also seek a court order to enter the property, abate the nuisance, and collect such cost of abatement and other fines as the court may grant.

8-4-11: VIOLATION AND PENALTY: Any person who violates any provision of this Chapter, upon being found guilty of violation, shall, except as to violations for which a different fine is established, be subject to ~~a minimum fine of two hundred fifty dollars (\$250) and a~~ maximum fine of not to exceed seven hundred and fifty dollars (\$750), depending on severity of violation, for each separate offense. Each day during which any violation of the provisions of this Chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this Chapter has been violated, to enjoin the person through an affirmative or mandatory injunction, to cease a violation of this Chapter, or to require the actions mandated within this Chapter to be performed.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this ____ day _____, 2001.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois this ____ day of _____, 2001.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the ____ day of _____, 2001.)

TPO - Public -
Clean

ORDINANCE NO. _____ - VC

AN ORDINANCE TO AMEND
TITLE 8, CHAPTER 4 (FORESTRY MANAGEMENT)
OF THE GLEN ELLYN VILLAGE CODE
REGARDING TREE PRESERVATION ON PUBLIC PROPERTY

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION ONE: Chapter 4 (FORESTRY MANAGEMENT) of Title 8 (PUBLIC WAYS AND PROPERTY) of the Village Code of the Village of Glen Ellyn, Illinois, is hereby deleted in its entirety and replaced with the following:

Chapter 4

FORESTRY MANAGEMENT

8-4-1: PURPOSE:

The purpose of this Chapter of the Village Code is to enhance the public property portion of the Community Forest by assuring the preservation, protection, planting, and proper maintenance of parkway Trees. Chapter 8 entitled "Tree Preservation" of Title 4 "Building Regulations" of this Code is applicable to the private property portion of the Community Forest. These chapters complement each other to enhance the total Community Forest in Glen Ellyn.

8-4-2: DEFINITIONS:

As used within this Chapter and Chapter 8 of Title 4 of this Code, the following terms shall have the meaning set forth in this section:

ARBORICULTURAL SPECIFICATIONS MANUAL: A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time-to-time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting, maintenance, and

Removal of Trees, shrubs, and other plants upon Village property and regulated Trees on private property.

COMMUNITY FOREST: The entire Tree population in the Village of Glen Ellyn, including Trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five-year plan for the improvement of the Village of Glen Ellyn Community Forest and approved by the Village Board.

CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one (1) foot for every inch of D.B.H. but not less than six (6) feet from the trunk of the Tree.

CROWN: Parts of a Tree above the trunk including leaves, branches, and scaffolds.

DEVELOPMENT: All new Planned Unit Developments and Subdivisions in the Village of Glen Ellyn. Any man-made change to improved or unimproved property including but not limited to the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation, or utility work on the property that exceeds 300 square feet of disturbed site area except the following:

1. Replacement pavement in the same footprint as existing pavement,
2. Decks supported on individual spaced concrete piers,
3. Fences supported on spaced posts,
4. Replacement detached garages in the same footprint as the existing garage with no more than an additional 20% of garage area, or
5. Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (HEREINAFTER CALLED D.B.H.): The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature Trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the Crown of an existing Tree but not less than six (6) feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

PUBLIC NUISANCE: Any Tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other Trees or which could cause a safety hazard affecting the general public.

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any Public Tree within the corporate limits of the Village or a Village parkway.

REGULATED PUBLIC UTILITY: Any utility certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this Chapter with regard to any public utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

REMOVE OR REMOVAL: The causing or accomplishing of the actual physical Removal of a Tree or the effective Removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

SCAFFOLDS: Primary structural branches of the Crown.

TREE: Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multi-stemmed trunk system supporting a definitely-formed Crown, achieving a minimum of at least eight (8) feet in height.

TREE, ADJACENT PROPERTY: Any tree with a four (4) inch D.B.H. or greater on an adjoining private property and located within fifteen (15) feet of the lot line. These trees are Protected Trees unless the owner of the tree designates them as non-protected.

TREE, BORDER: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester. These trees are protected trees unless the Village Forester designates them as non-protected.

TREE, IMPACTED: Any Tree shown on a Tree Preservation Plan, that would otherwise be a protected tree, that will be adversely affected by construction. This tree is not a Removed Tree or a Protected Tree.

TREE, PRIVATE: Any Tree on privately-owned property within the Village.

TREE, PROTECTED: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater.

TREE, PUBLIC: Any Tree or Border Tree on public property or within a public right-of-way in the Village. These trees are Protected Trees unless the Village Forester or his/her designee designates them as non-protected.

TREE, REMOVED: Any tree shown on a Tree Preservation Plan that would otherwise be a protected tree, as being removed after development.

TREE, REPLACEMENT: A nursery-grown certified Tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are Protected Trees unless the owner of the tree designates them as non-protected.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a Public Tree, Significant Tree, Adjacent Property Tree, Impacted Tree, or Protected Tree during construction and shall include a Tree Survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan..

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than twenty-four (24) inches high.

TREE SURVEY: A graphic display of all Protected, Border, Public Significant, Impacted Removed, and Adjacent Property Trees including their location, condition, species and size. All existing trees that are required to be shown on the tree survey must be identified by number. The Survey shall show the location of protective fencing and other protective measures to be placed on the lot. The Survey shall also show the location of any Tree, which would otherwise be a protected tree, which was removed in the prior one-year period.

8-4-3: **VILLAGE FORESTER:** The Village Forester shall be appointed by the Village Manager. The Village Forester shall be responsible for the enforcement of the Forestry Management@ and Tree Preservation@ Chapters of the Village Code.

8-4-4: **REGISTERED TREE CONTRACTOR:** Any person, firm, or corporation which is employed to prune or Remove any Public Tree, Protected Tree, or Significant Tree shall be required to register with the Public Works Department. There shall be no charge for the registration; but the registration form shall include information regarding at least the name, address and telephone number of the contractor; the name, address, and telephone number of the owner or owners of the contractor; and the number of years the contractor has been in business. Registration forms will be filed on or before May 1st of each year and shall be annually updated if listed information should change.

A Registered Contractor shall report to the Village any Tree Removed within seven (7) days after the Removal. This report shall contain the address of the lot from which the Tree was Removed, the reason for Removal, the species, and D.B.H.

It shall be a violation of the ordinances of the Village for any person, firm, or corporation to perform the aforesaid work within the Village without having filed a registration form either initially or on an annual basis or having failed to disclose full and accurate information required on that registration form. In addition to instituting an action to seek fines for the failure to register or providing inaccurate information in the registration forms, the Village President may

suspend or revoke the registration if a Tree Contractor fails to comply with the requirements of the Village ordinances.

A suspension or revocation shall only take place after the Village President has held a hearing upon not less than five days' written notice. The Tree Contractor shall be provided with a written statement of the provisions of the Village ordinances which the Tree Contractor is alleged to have violated. At such hearing, the Tree Contractor shall be entitled to be represented by counsel who shall be permitted to present witnesses and cross-examine any other witnesses that appear at the hearing. A suspension may be for a period of up to six (6) months; a revocation shall be for a period of two (2) years. It shall be a violation of this Chapter for any Registered Tree Contractor to employ within the Village a person who was employed by a Tree Contractor whose permit was suspended or revoked during the period of the suspension or revocation.

8-4-5: GENERAL REGULATIONS - PUBLIC PROPERTY:

- (A) **WORK ON PUBLIC TREES:** Work on Public Trees may only be carried on by a Registered Tree Contractor with a valid current registration selected or approved by the Village Forester, or his/her designee, and issued a permit to carry out such work. This provision shall not prohibit owners of property adjacent to Village-owned property from watering or fertilizing any Tree, shrub, or other plant on Village-owned property.
- (B) **DAMAGE TO TREES, SHRUBS, OR OTHER PLANTS PROHIBITED:** It shall be unlawful for any person to injure, prune, Remove, destroy, attach any rope, wire, nail, or other contrivance; place any compacted stone, cement, or other impervious matter or substance as may obstruct the free access of air and water to the roots (ie. Landscape fabric), improper mulching techniques (volcano mulch); or Remove any device set for the protection of any Tree, shrub, or other plants on Village-owned property without approval from the Village Forester or his/her designee.
- (C) **CARE OF PUBLIC PROPERTY WHEN WORKING ON PRIVATE PROPERTY:** It shall be unlawful for the person working on private or public property to leave any Public Tree that may be affected by building, structure, or other work without proper Tree preservation methods as stated by the Village Forester or his/her designee per the Arboricultural Specifications Manual.
- (D) **WORK STANDARDS ON PUBLIC TREES MUST BE FOLLOWED:** Work done on Public Trees shall follow the standards outlined in the Arboricultural Specifications Manual. A copy of the Arboricultural Specifications Manual is on file and may be reviewed at the office of the Village Forester, viewed on our website or may be purchased at the Civic Center.

- (E) **DAMAGE TO PUBLIC TREES CAUSING REMOVAL (PAYMENT OR REPLACEMENT):** Any person that damages a Public Tree so severely that the Public Tree dies or requires Removal shall compensate the Village for the loss of the Public Tree. The amount paid shall be based on the following schedule:
1. If the damaged Public Tree is less than eight (8) inches in diameter (measured at twelve [12] inches above ground level), the amount paid shall be determined by using the Replacement Cost Method of evaluating Trees found in the latest edition of the Council of Tree and Landscape Appraisers Guide (CTLA) for Plant Appraisal, which guide is adopted by reference by the Village as if it were a part of this Chapter.
 2. For Public Trees larger than an eight (8) inch trunk diameter, the amount paid shall be determined by using the Trunk Formula Method of evaluating Trees found in the latest edition of CTLA's Guide.
 3. Added to the costs established under Sections (E)-1 and (E)-2 shall be the cost of the Removal and stump grinding of the Public Tree.
 4. In addition to the prosecution for a business offense, in accordance with Section (F) herein, the Village may seek to recover the cost of the damaged Public Tree, in the amount computed under Sections (E)-1, 2 and 3, through a civil action. 5.
- (F) **DAMAGE TO PUBLIC TREES CAUSING REMOVAL (CIVIL FINE):** Any person that damages a Public Tree so severely that the Public Tree dies or requires Removal shall be guilty of a business offense and, upon a conviction thereof, shall pay a fine which shall not be less than \$1,000.00 nor more than that established under the formula set out in Sections (E)-1 and (E)-2, and in addition to the cost of the Removal of the Tree.
- (G) **INJURY TO PUBLIC TREES NOT REQUIRING REMOVAL (PAYMENT):** Any person that causes injury to a Public Tree that requires treatment may avoid a civil fine by paying the actual cost to treat the Tree.
- (H) **INJURY TO PUBLIC TREES NOT REQUIRING REMOVAL (CIVIL FINE):** Any person that causes injury to a Public Tree so that the Tree requires treatment shall be guilty of a business offense. The fine upon conviction shall be equal to the actual cost incurred by the Village in treating the Tree for the injury.
- (I) **TIME FOR BRINGING AN ACTION AND DAMAGE OR INJURY:** The Village shall not prosecute any person for causing damage or injury to Public Trees when the action of such person was limited to lawn mowing using a non-riding lawn mower or

a "weed whacker" unless the person was notified of the problem and continued to cause damage to the tree. Nor shall a person be liable for fines or reimbursement when damage is done by a Regulated Public Utility unless that person has specifically directed the location and manner of work performed by the Utility which caused the damage, however the person that has specifically caused damaged will be liable. Any action by the Village seeking fines or reimbursements for costs relating to damage or injury to Public Trees must be commenced within three (3) years of the date of the refund of deposit. .

8-4-6: ACCESS TO A PUBLIC RIGHT-OF-WAY OVER A PUBLIC PARKWAY WHICH CANNOT REASONABLY BE ACCOMPLISHED EXCEPT THROUGH THE REMOVAL OF A PUBLIC TREE: In determining whether reasonable access can be gained to the public right-of-way, the Village Forester may require the applicant seeking access to choose alternate methods of access to the public right-of-way which shall not require damage or removal to a Public Tree. The Village shall determine the point of access which will provide an opening to the public right-of-way. Where, however, public access can only be reasonably granted through the Removal of a Public Tree, the permit, if otherwise proper, shall be granted; and the property owner shall not be required to reimburse the Village for the value of the Tree but only for the cost of Removal of tree and stump and Replacement 4" DBH tree.

8-4-7: PERMITS REQUIRED:

(A) **PERMITS REQUIRED TO DO WORK ON PUBLIC TREES:** Except for work performed by an employee or independent contractor of the Village, none of the following acts relating to Public Trees may be carried out except by a Registered Tree Contractor who has first secured a written permit from the Village Forester, or his/her designee. The Village shall determine those Registered Tree Contractors who shall be allowed to perform work on Public Trees. No person except the Village Forester, an agent of the Village Forester, or a contractor hired by the Village under the supervision of the Village Forester may do any of the following acts related to Public Trees without first securing a written permit from the Village Forester, or his/her designee:

1. Plant, transplant, treat, prune, or Remove any Public Tree (excludes watering and fertilization).
2. Place in a public right-of-way, either above or below ground level, a container for Trees, shrubs, or other plants.

(B) **PERMITS REQUIRED TO DO TUNNELING OR EXCAVATION NEAR PUBLIC TREES:** Except for work performed by an employee or an independent contractor of the Village, none of the following acts relating to Public Trees may be carried out except by a person, including a Regulated Public Utility, who has first secured a

written permit from the Village Forester: dig a tunnel, trench, or other excavation; install a driveway approach; plant within the Critical Root Zone for flower boxes, etc.; or roto-till or dig within the Critical Root Zone of any Public Tree.

- (C) **PERMIT:** Applications for permits must be made at the office of the Building and Zoning Official not less than ten (10) working days before the time the work is to be done. Notice of completion of the work authorized by the permit shall be given within five (5) days to the Village Forester for inspection. The issue of the permit and the inspection shall be accomplished within a reasonable period of time provided, however, that the work may not be performed without the issuance of a permit.

The Village may also require a permit in situations where Development will take place in such a manner as to cause stress to Public Trees even if no Removal is contemplated.

This permit shall not be construed to exempt any person from the requirements of obtaining additional permits required by law.

If the request includes Removal of a Public Tree where the Village consents to the Removal where another access to the public right-of-way could have been reasonably provided, a fee reflecting the value of the Tree, plus the cost of Removal of tree and stump, shall be paid to the Village before the issuance of any permit. The fee shall be calculated according to Section 8-4-5 (E) of this Chapter. If the request includes Removal of a Public Tree where no other access to the property was available, a fee reflecting the cost of Removal of tree and stump and all costs associated with the purchase and planting of a 4" tree and a one year guarantee shall be paid to the Village before the issuance of any permit. Tree Removal shall be done by a contractor hired by the Village of Glen Ellyn.

- 8-4-8: ENHANCEMENT OF TREE POPULATION; PRIVATE PROPERTY OWNERS REQUIRED TO PLANT NEW PUBLIC TREES:** Any contractor, owner, or agent obtaining a building permit for residential construction greater than one thousand five hundred (1,500) square feet, or business, industrial, or other non-residential construction or additions to such structures increasing the bulk thereof by greater than one thousand five hundred (1,500) square feet shall be required, as part of the permit, to assure that a Public Tree(s) following the Arboricultural Specifications Manual, is planted at a location on an adjacent public parkway as selected by the Village Forester. If the public parkway adjacent to the lot has Public Trees that meet the standards found in the Arboricultural Specifications Manual, as determined by the Village Forester, no new Trees need be planted. The contractor, owners, or agents shall pay to the Village a fee to pay for the total cost of purchasing and planting the required Trees. The fee shall be based on the current average cost the Village pays for the

planting of parkway Trees two (2) inches in diameter, which shall include all costs associated with the purchase and planting, and a one year guarantee..

8-4-9: RESTORATION DEPOSITS: Restoration deposits shall be required for: (1) development on private property which requires access to the private property from the public right-of-way on which any Public Tree exists or (2) work in the public right-of-way requiring a work permit. The deposit provides financial assurance that any public tree damaged during the Development, or under a work permit, will be restored by the permit holder. The deposit will be available for any cost the Village incurs to correct damage to Public Trees caused by the work.

(A) NEW CONSTRUCTION, ADDITIONS, OR ALTERATIONS: Any contractor, owner, or agent obtaining a permit for Development on private property or a work permit on public property shall deposit with the Finance Department the Landscape value of all Public Trees that may be affected or two thousand dollars (\$2,000), whichever is less. This deposit shall be returned by the Finance Director, without interest, upon written notice from the Village Forester that the work has been completed and that the existing Public Trees have not been damaged or have been satisfactorily repaired.

(B) DEPOSIT USES BY VILLAGE TO REPLACE DAMAGED PUBLIC TREES: If, at the time of final inspection for a Development, or work in the parkway permit t, , it is determined that Public Trees within the parkway have been damaged, the Village Forester or designee shall mail a written notice to the contractor, owner, or agent, or identify deficiency on permit, advising them of such defects along with a demand that the defects must be remedied. The defects shall be remedied by by a contractor hired by the Village Forester or designee at the appropriate time , The Building and Zoning Official shall give written notice to the Finance Director to forfeit said deposit and transfer the same to a Forestry escrow account as determined by the Village Forester, or her designee. If the damage is of such magnitude that the cost of correction exceeds the amount of the deposit, the applicant shall deposit sufficient additional funds to pay for the required work or the Village shall be permitted to act pursuant to Section 8-4-5 of this Chapter.

8-4-10: PUBLIC NUISANCES:

(A) THE FOLLOWING ARE HEREBY DECLARED PUBLIC NUISANCES UNDER THIS SECTION OF THE CODE:

1. Any Tree, shrub, or other plant, breeding places, or portion thereof, whether on Village-owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any Tree, shrub, or other plant; i.e., Dutch Elm Disease, Oak Wilt, Emerald Ash Borer, Asian

Longhorned Beetle and any other insect/disease deemed a Public Nuisance by the Village Forester, or his/her designee.

2. The pruning of elms or oaks on public and private property from April through August is prohibited unless a hazardous situation arises. If elms or oaks are pruned between April and November, the wounds must be painted with non-toxic tree wound dressing.
 3. Any Tree, shrub, or other plant or portion thereof, whether on Village-owned property or on private property, which overhangs or because of its deteriorated condition may fall onto the Village right-of-way and constitutes an imminent danger to the health, safety, or welfare of the public.
 4. Any Tree, shrub, or other plant or portion thereof, whether on Village-owned property or on private property, which obstructs or interferes with the free and safe passage of pedestrian or vehicular traffic.
 5. The cost of abatement will be shared equally between the two parties for any Border Tree identified as a nuisance. The Removal of said nuisance shall be by the Village or contractor hired by the Village.
- (B) **UNLAWFUL TO MAINTAIN PUBLIC NUISANCES:** It shall be unlawful for the owner of any lot or parcel of land or a tenant upon the land in the Village of Glen Ellyn to permit or maintain on any such lot or parcel of land a Public Nuisance as set out in Section 8-4-10 (A) of this Chapter. It shall be the duty of such owners to promptly Remove any such nuisance.
- (C) **INSPECTION OF PUBLIC NUISANCE:** To carry out the purpose of this Ordinance and to implement the enforcement thereof, the Village Forester, or his/her designee, is hereby authorized and empowered to request permission from the property owner or person in apparent possession to enter upon any land in the Village at all reasonable hours to inspect any Public Nuisance. The Village Forester, or his/her designee, is hereby empowered to seek from any court of competent jurisdiction an order permitting a search of private property in the event that the Village has a reasonable basis to believe that a Public Nuisance exists on the property or that the ordinances of the Village are being otherwise violated. Either with permission or pursuant to a court order, the Village Forester or a duly-authorized representative may Remove specimens from any Trees, shrubs, or other plants for the purpose of laboratory analysis or for evidentiary purposes. It shall be unlawful for any person, firm or corporation to hinder the Village Forester or a representative in the performance of any duties performed under the provisions of this Chapter.

(D) **ABATEMENT OF PUBLIC NUISANCE:** When the Public Nuisance represents an imminent threat to the health or safety of persons or property, the Village may, through its officers, employees, or independent contractors, enter upon the private property and abate the nuisance. The Village may also seek a court order to enter the property, abate the nuisance, and collect such cost of abatement and other fines as the court may grant.

8-4-11: VIOLATION AND PENALTY: Any person who violates any provision of this Chapter, upon being found guilty of violation, shall, except as to violations for which a different fine is established, be subject to a maximum fine of not to exceed seven hundred and fifty dollars (\$750), depending on severity of violation, for each separate offense. Each day during which any violation of the provisions of this Chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this Chapter has been violated, to enjoin the person through an affirmative or mandatory injunction, to cease a violation of this Chapter, or to require the actions mandated within this Chapter to be performed.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this ___ day _____, 2001.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois this ___ day of _____, 2001.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 2001.)

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Arbor Manual -
Redlined

VILLAGE OF GLEN ELLYN

ARBORICULTURAL SPECIFICATIONS MANUAL

ORDINANCE NO. _____-VC

Adopted March 26, 2001

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SECTION I

INTRODUCTION / AUTHORITY

The following Arboricultural Specifications Manual is designed to supplement and support the Village of Glen Ellyn's Comprehensive Forestry Ordinance. The objective of this manual is to present the best tree planting, maintenance, protection, and removal techniques based on accepted arboricultural standards. The guidelines and standards presented in this section apply only to public trees as defined by the Comprehensive Forestry Ordinance. The Village Forester, or his/her designee, has the authority to maintain and make recommendations regarding modifications to the manual, which must be amended by ordinance, except that the trees identified on the Parkway Tree Planting Recommendations list may be modified by the Village Forester, who shall report the modifications in writing to the Village Board. ~~maintain and amend it anytime that experience, research, or laws indicate that improved methods or circumstances make it advisable.~~

The definition of terms section for this manual is consistent with and may be found in the definitions section of the Village of Glen Ellyn's Comprehensive Forestry Ordinance.

SECTION II

POLICY

Tree Species, Cultivars, or Varieties

Location and Spacing

~~Only the following species of trees shall be planted on public lands unless specific permission is granted otherwise by the Village Forester, or his/her designee. This is a list which may be modified from time-to-time by the Village Forester.~~

Table I is provided as a guide to the most appropriate species for parkways in urban situations. There is no single perfect tree. It is important to match the planting site limitations with the right tree for that spot. Each site must be evaluated and possible restriction of tree species taken into consideration. These restrictions include rooting space, soil texture, soil pH, drainage, exposure, overhead wires, surrounding building surfaces, neighboring trees, and underground utilities.

The trees appearing on this listing have different requirements and tolerances. If properly sited, all these species should do well in the urban forest environment of the Village. Before selecting any particular species or variety, further research should be done to insure that the site will satisfy the specific requirements of the plant. Not all cultivars and varieties of the following tree species are suitable for parkway planting.



TABLE 1
Height
50' min

LARGE TREES

SPACING: 5040' minimum

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Scientific Name	Common Name	Cultivars
<i>Acer x freemani</i> (1)	Freeman Maple	
<i>Acer nigrum</i> (1)	Black Maple	
<i>Acer platanoides</i> (1)	Norway Maple	
<i>Acer saccharum</i> (1)	Sugar Maple	
<i>Aesculus ocrandra</i>	Yellow Buckeye	
<i>Alnus glutinosa</i>	European Black Alder	
<i>Carya</i> sp. (S)	Hickory	
<i>Catalpa speciosa</i>	Northern Catalpa	
<i>Celtis occidentalis</i>	Hackberry	
<i>Celtis laevigata</i>	Sugar Hackberry	
<i>Eucommia ulmoides</i>	Hardy rubber tree	
<i>Fagus grandifolia</i> (S)	American Beech	
<i>Fagus sylvatica</i> (S)	European Beech	
<i>Fraxinus americana</i> (1)	White Ash	
<i>Fraxinus pennsylvanica</i> (1)	Green Ash	
<i>Fraxinus quadrangulata</i>	Blue Ash	
<i>Fraxinus tomentosa</i>	Pumpkin Ash	
<i>Ginkgo biloba</i>	Ginkgo (male)	
<i>Gymnocladus dioicus</i>	Kentucky Coffee (male)	
<i>Juglans cinerea</i>	Butternut	
<i>Juglans nigra</i>	Black Walnut	
<i>Larix decidua</i>	European Larch	
<i>Larix laricina</i>	Eastern or American larch (Tamarack)	
<i>Liquidambar styraciflua</i> (S)	American Sweetgum	
<i>Liriodendron tulipifera</i> (S)	Tuliptree	
<i>Metasequoia glyptostroboides</i>	Dawn redwood	
<i>Platanus acerifolia</i>	London Plane	
<i>Quercus acutissima</i> (S)	Sawtooth Oak	
<i>Quercus alba</i> (S)	White Oak	
<i>Quercus bicolor</i> (S)	Swamp White Oak	
<i>Quercus coccinea</i> (S)	Scarlet Oak	
<i>Quercus imbricaria</i> (S)	Shingle Oak	
<i>Quercus macrocarpa</i> (S)	Bur Oak	
<i>Quercus muehlenbergii</i> (S)	Chinquapin Oak	
<i>Quercus robur</i> (S)	English Oak	
<i>Quercus rubra</i> (S)	Northern Red Oak	
<i>Quercus shumardii</i> (S)	Shumard Oak	
<i>Sassafras albidum</i>	Sassafras	

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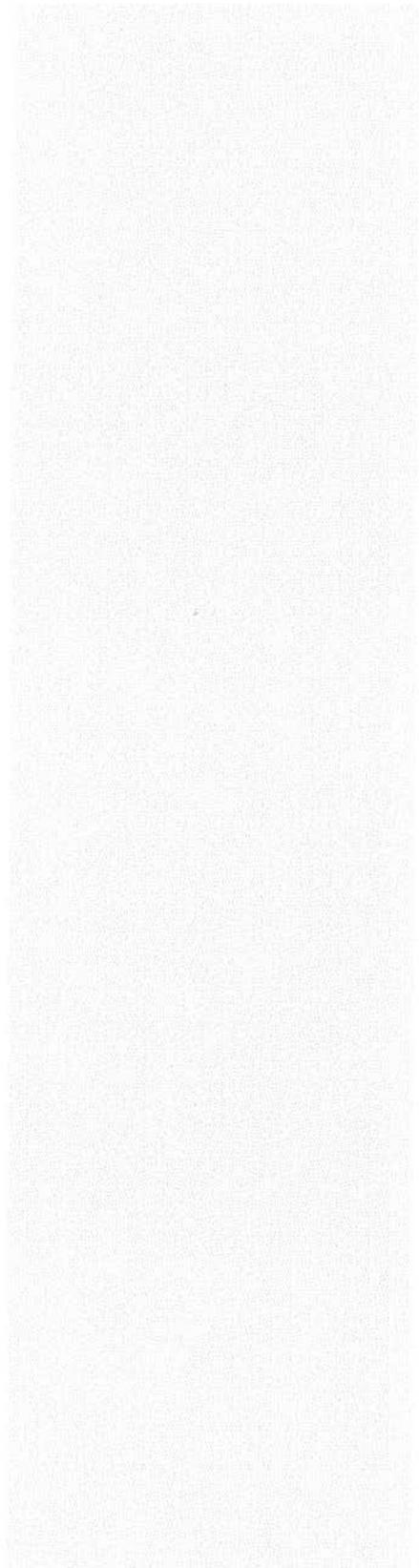


Ulmus
Ulmus parvifolia

Taxodium distichum
Tilia americana
Tilia heterophylla
Tilia cordata
Tilia euchlora
Tilia platyphyllos
Tilia tomentosa
Ulmus genus

Hybrid Japanese Elm
 Lacebark Elm

Bald Cypress
 Basswood
 Beetree Linden
 Littleleaf Linden
 Crimean Linden
 Bigleaf Linden
 Silver Linden
 Hybrid Elm



|



Height
30'-50'

TABLE 2
MEDIUM TREES
SPACING: ~~40~~35' minimum

Scientific Name	Common Name	Cultivars
<i>Acer miyabei</i>	Miyabe Maple	
<i>Acer rubrum</i> (2)	Red Maple	
<i>Aesculus x carnea</i>	Red Horsechestnut	
<i>Aesculus glabra</i>	Ohio Buckeye	
<i>Alnus glutinosa</i>	European Black Alder	
<i>Betula nigra</i>	River Birch	
<i>Carpinus betulus</i> (S)	European Hornbeam	
<i>Carpinus caroliniana</i> (S)	Blue Beech	
<i>Cercidiphyllum japonicum</i> (S)	Katsura Tree	
<i>Cladrastis lutea</i> (S)	American Yellowwood	
<i>Corylus colurna</i>	Turkish Filbert	
<i>Eucommia ulmoides</i>	Hardy Rubber Tree	
<i>Gleditsia triacanthos</i>	Honeylocust	
<i>Halesia carolina</i>	Carolina silverbell	
<i>Maackia amurensis</i>	Amur Maackia	
<i>Nyssa sylvatica</i>	Black Gum	
<i>Ostrya virginiana</i> (S)	Hophornbeam	
<i>Phellodendron amurense</i>	Amur Cork Tree	
<i>Prunus padus</i>		European birdcherry
<i>Prunus sargentii</i>	Sargent Cherry	
<i>Pyrus calleryana</i> (S)	Bradford Pear	
<i>Sophora japonica</i> (S)	Pagoda Tree	
<i>Zelkova serrata</i>	Japanese Zelkova	



Height
30' max.
or Columnar

**TABLE 3
SMALL OR NARROW TREES
SPACING: 15'-20' minimum**

Scientific Name	Common Name	Cultivars
<i>Acer campestre</i>	Hedge Maple	
<i>Acer ginnala</i>	Amur Maple (tree form)	
<i>Acer pensylvanicum</i>	Striped Maple	
<i>Acer platanoides</i> +	Columnar Norway Maple 'Columnare'	
<i>Acer tartaricum</i>	Tartarian Maple	
<i>Amelanchier canadensis</i> (S)	Shadblow Serviceberry	
<i>Amelanchier grandiflora</i> (S)	Apple Serviceberry	
<i>Amelanchier laevis</i> (S)	Allegheny Serviceberry	
<i>Aesculus pavia</i>	Red buckeye	
<i>Carpinus</i> sp. + (S)	Hornbeam 'Columnaris'	
	'Fastigiata'	
<i>Corylus avellan</i>	European filbert 'Contorta'	
<i>Cornus alternifolia</i>	Pagoda Dogwood	
<i>Cornus mas</i>	Cornelian Cherry Dogwood	
<i>Cornus kousa</i>	Japanese Dogwood	
<i>Cotinus obovatus</i>	American Smoketree	
<i>Crataegus crusgalli</i> var. <i>intermis</i>	Cockspur Hawthorn (Thornless)	
<i>Hamamelis virginiana</i>	Common witchhazel	
<i>Syringa pekinensis</i>	Pekin lilac	
<i>Syringa reticulata</i>	Tree lilac	
<i>Magnolia</i> spp. (S)	Magnolia	
<i>Malus</i> sp.	Flowering Crab See Appendix A	
<i>Prunus cerasifera</i>	Cherry plum	
<i>Prunus virginiana</i>	Chokecherry	
<i>Quercus robur</i> + (S)	Columnar English Oak 'Fastigiata'	
<i>Salix caprea</i>	Weeping Goat-pussy willow	
<i>Syringa japonica</i>	Japanese Tree Lilac	

Small trees are appropriate in parkway locations where due to space limitations larger trees cannot be properly utilized without creating spacing conflicts with existing trees. Height limitations imposed by overhead utilities also necessitate the use of appropriate small trees in order to avoid line conflicts and the necessity of excessive utility trimming that results in disfigured trees. On the whole, small trees which tend to be more ornamental than their larger counterparts can create an added aesthetic dimension of the streetscape. Narrow trees identified on this list which grow taller than 25' cannot be planted under utility lines, but can be used in situations where there is limited planting space. Only small-growing trees shall be planted under overhead power lines. Trees planted to the side of power lines shall be carefully selected for mature habit to minimize future conflicts.

End Notes

(1) — To be used on a limited basis /over planted genus and/or potential disease problems.

(S) — Spring-planting only
 + — Not for planting under utilities.

TABLE 4

The following is a listing of trees more or less common to our area that are not suitable as street or parkway trees. Their lack of suitability is based on undesirable growth habits, fruiting habits, form, susceptibility to serious diseases, propensity to storm damage, and a host of other limitations too numerous to mention. The limitations listed for each tree or species group are not all-inclusive, and lists only the more serious problems encountered locally. In essence, there are far too many superior street or parkway trees listed in Table I to warrant the new planting use of any of the trees listed in Table II except under special circumstances.

Though many of the trees listed in Table H-4 are presently growing on our parkways as the result of previously unrestricted plantings, they ~~do~~ may constitute a maintenance liability to the Village. When condition mandates, and as such upon approval is granted by the Village Forester, they removal should be replaced with species listed in Table 1-3 I.

Scientific Name	Common Name	Problem or Limitation
<i>Abies</i> sp.	Fir	Form; visibility hazard
<i>Acer negundo</i>	Boxelder	Fast growing; weak wooded
<i>Acer saccharinum</i>	Silver Maple	Weak wooded; storm damage
<i>Ailanthus altissima</i>	Tree of Heaven	Weak wooded; aggressive
<i>Elaeagnus angustifolia</i>	Russian Olive	Form; disease
<i>Juniperus</i> sp.	Juniper	Form; visibility hazard
<i>Malus</i> sp.	Common Apple	Littering fruit; disease prone
<i>Morus</i> sp.	Mulberry	Littering fruit
<i>Picea</i> sp.	Spruce	Form; visibility hazard
<i>Pinus</i> sp.	Pine	Form; visibility hazard
<i>Platanus occidentalis</i>	Sycamore	Disease; twig blight
<i>Populus</i> sp.	Poplar / Cottonwood	Fast growing; weak wooded
<i>Prunus</i> sp.	Cherry and Plum	Littering fruit; disease prone
<i>Pyrus</i> sp.	Common Pear	Littering fruit
<i>Quercus palustris</i>	Pin Oak	Iron chlorosis
<i>Robinia</i> sp.	Black Locust	Shallow rooted; borers; thorns
<i>Salix</i> sp.	Willow	Weak wooded; storm damage
<i>Thuja</i> sp.	Arborvitae	Form; visibility hazard
<i>Ulmus Americana</i>	American Elm	Dutch Elm Disease
<i>Ulmus pumila</i>	Siberian Elm	Weak wooded

Other tree species or their varieties not listed in the foregoing Tables, or species such as evergreens may be planted on Village-owned property, but only in specific circumstances.

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SECTION III

1. PLANTING SITE REQUIREMENTS:

Planting locations of trees shall be subject to the following regulations:

- a. Trees of large-sized varieties shall be planted no closer than ~~forty fifty~~ feet (450') from any other large-sized variety of parkway tree. Trees of medium-sized varieties shall be planted no closer than ~~thirtyfourty-five feet (3540')~~ from any other medium-sized variety of parkway tree. Trees of small varieties shall be planted no closer than fifteen to twenty feet (15'-20') from any other small-sized variety of parkway tree (unless otherwise determined by the Village Forester). ~~New tree plantings of all sizes can be as close as thirty feet (30') from existing conifer trees.~~

When planting a new tree next to an existing variety of a different size class, minimum spacing shall be calculated by averaging the spacing requirements for the two size classes. The Village Forester can take into consideration existing, health and condition of trees to determine the future planting site and species choice. ~~For example, a new medium-sized variety may be planted 38' from a large variety, or 28' from a small variety.~~

- b. The above minimum spacing standards may be modified by the Village Forester, or his/her designee, for new plantings in the Central Business District, particularly where openings in pavement are required to establish planting sites. In these areas, trees may be placed on a closer spacing recognizing the limited availability of planting spaces and the advantages of allowing trees greater access to larger volumes of soil through cluster plantings.

In areas where openings in pavement are required to establish planting sites, or where above ground planters are to be used, the most restrictive space limitation is usually associated with the volume of acceptable rooting habitat as opposed to limitations of crown space. For this reason, minimum planting spacing in these areas is determined by available soil volume.

Minimum soil volumes are intended to reflect acceptable rooting habitat. This eliminates most urban soils that currently reside under sidewalks and roads because of the compaction necessary to support pavement, and the absence of oxygen and moisture exchange. In many cases, minimum soil volumes can only be achieved by excavating existing compacted soils and replacing them with suitable natural or engineered soils. (Engineered soils are mixtures of organic and mineral soils with coarse gravel. The gravel can be compacted to the densities necessary to support pavement, and the soil suitable for root growth fills the large pores between the gravel elements.)

For single tree planting in pavement cut-outs where no modification is made to soil beyond the planting pit, the following minimum soil volumes are required:

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- ◆ Small growing trees - 200 cubic feet (for example, a two foot deep pit must be accompanied by a 10 foot by 10 foot or equivalent opening). The smallest surface dimension must be at least four feet.
- ◆ Medium growing trees - 400 cubic feet (for example, a two foot deep pit must be accompanied by 10 foot by 20 foot or equivalent opening). The smallest surface dimension must be at least five feet.
- ◆ Large growing trees - 600 cubic feet (for example, a two foot deep pit must be accompanied by a 10 foot by 30 foot or equivalent opening). The smallest surface dimension must be at least seven feet.
- ◆ Soil must be at least two feet deep. Soil may be deeper than four feet, but four feet is the maximum dimension that may be used in the calculation of minimum soil volume. (For example, a 10 foot by 10 foot opening can yield a maximum of 400 cubic feet of soil volume.)
- ◆ Above ground minimum spacing for small trees is 10 feet, for medium trees is 20 feet, and for large trees is 30 feet. These requirements may be modified by approval of the Village Forester, or her designee.

Two trees that share soil volume may be planted in a single planting pit without increasing the minimum soil volume required for one tree if they are suitably placed. For example, a single large-growing tree is required to have a minimum of 600 cubic feet of soil. If the planting site is two feet deep, a 7 foot by 43 foot concrete cut out yields the minimum soil volume. Two large trees may be planted 30 feet apart in the same soil volume. If desired, paving bricks or other permeable surfacing material can be used to cover the central portion of the planting space between the two trees, providing they allow adequate penetration of air and water.

For each additional tree over two per planting area, the minimum soil volume requirement increases by 65% of the minimum requirement for one tree. For example, two medium-sized trees can be planted in 400 cubic feet of soil. If a third tree were to be added, 65% of the minimum requirement for a single medium-sized tree (260 cubic feet) would need to be added. The three trees would also need to be planted at least 20 feet from each other. Therefore, an excavated planting site 2 feet deep, 6 feet wide and 55 feet long would accept three medium-sized trees.

Exceptions to the above soil volume requirements may be made by the Village Forester, or his/her designee, when one, or a few trees, are being replaced in existing pits and there are no immediate plans or funds available to reconstruct the surrounding sidewalk area.

c. Based on height at maturity, no tree classified as large on Table ~~1~~ shall be planted in a parkway less than ~~6~~ six feet in width, or where overhead lines present a special problem. Where a parkway is less than ~~6~~ six feet in width, steps should be taken to plant inside the sidewalk on private property, ~~at least five (5) feet from~~

the sidewalk, or at Village row line in case there is no sidewalk, depending on the size of the tree at maturity.

In locating parkway trees, the following dimensions ~~shall~~ should be observed and no trees ~~shall~~ should be planted closer to existing installations than indicated. (space will be determined by future size of tree). Exceptions to this rule may be made by the Village forester when circumstances warrant and public safety is not threatened.

1. Buffalo box	8 feet
2. Driveway	5 feet
3. Utility pole	10 feet
4. Street light	15 feet
5. Stop sign	25 feet for small trees
6. Stop sign	20 feet for medium to large trees
7. Sidewalk	5 feet
9. Fire hydrants, manholes, catch basins	5 - 10 feet

Spacing requirements for trees planted in parkways do not apply to trees planted in parks or other sites, such as parking lots, where clustering of trees may be desirable for aesthetics, screening, windbreaks, or wildlife habitat purposes.

SECTION IV

1. PLANTING STOCK REQUIREMENTS:

- a. All trees shall be grown in climate Zone 4 but preferably the northern half of Illinois or the southern half of Wisconsin and licensed by the respective State.
- b. **Type:** All trees planted in parkways must be either true balled and burlapped or approved grow bags, containerized trees (Section V-1). Soil balls should be of firm earth, from the original soil in which the tree grew in the nursery. Balled and burlapped trees should be securely wrapped with burlap and tightly bound with decomposable twine or wire. Trees with broken, loose, or dry balls are not acceptable. The roots shall be protected against freezing.
- c. **Size:** All trees shall be at least two inches in diameter measured six (6) inches above the ground. (In some cases, such as native trees, it may be necessary to plant smaller sizes, one-half inch diameter trees. Minimum DBH shall be 1 1/2" measured six-inches (6") above ground level. Minimum ball size must conform to the most recent edition of ANSI Z60.1 (See Appendix). Root balls shall be intact at the time of planting. Bare root plantings are discouraged but may be approved in special cases by the Village Forester, or her designee. The root flare of balled and burlapped trees shall be within the top one-half inch (1/2") of the root ball.
- d. **Grade:** All trees shall conform to the most recent version of the ANSI Z60.1 .

All trees shall have straight trunks, well-developed leaders and tops, and roots shall be characteristic of the species or cultivars, and exhibit evidence of proper nursery pruning practices. They shall have acceptable balance between top and root, must be healthy, free of mechanical injury, free of insects and diseases, bark bruises, and scrapes on the trunk or limbs, and any other objectionable features that may affect the future form and beauty of the tree.

- e. Planting stock requirements in regard to type and size may be modified to address unusual planting situations or availability if it is determined to be in the best interest of the Village. These situations will be examined on a case by case basis and require prior approval of the Village Forester, or his/her designee.
- f. Plant material shall be planted the day it is taken to the planting site or it shall be watered and/or covered and placed in a shady area to prevent drying out or freezing.

SECTION V

1. PLANTING TREES

- a. **Season to Plant:** The spring planting season shall begin when the ground has sufficiently thawed and end approximated one week before buds begin to break, generally late March through May. The spring planting season may be extended through the end of May as long as the trees have been dug at the nursery before bud break, and stored properly until planting. The fall planting season will begin after the leaves have fallen from deciduous trees and end when the ground has frozen, generally mid-October through late November. Summer planting is also possible if a judicious watering program is followed, particularly if the plants were dug from the nursery in spring or grown in containers. Some species do not transplant well in the fall; these are indicated in Tables 1-3 following the species name. Bare root stock should only be planted in the spring.
- b. Tree holes may be machine dug only with the written approval of the Village Forester, or his/her designee. All other tree planting holes will be manually dug. If the surrounding parkway (lawn, plants) are damaged, it shall be the responsibility of the applicant or contractor to restore it to its original condition. The applicant or contractor shall also secure all necessary underground utility locations prior to planting.
- c. The planting hole shall be a minimum of 12" greater than the diameter of the ball, with sides sloping inward toward the bottom of the root ball (see Diagram 1). The planting hole shall not be dug to a depth deeper than the depth of the root ball. The root ball will be placed on undisturbed subgrade. The root flare of the tree shall be placed at or not more than one inch (1") above the grade of the surrounding soil.
- d. **Drainage:** For sites with poorly drained soils it is usually best to select species tolerant of wet conditions. If species intolerant of wet sites are planted, drainage

should be provided. More urban trees die from root drowning than from drying out. For this reason, sprinklers are not allowed in parkways, except under the permission of the Village Forester, or his/her designee. If soil is of a clay material, it may be necessary to test the drainage of the planting hole by pouring a few gallons of water in the bottom. If the water has not soaked in after an hour, there probably is a drainage problem. On level ground, planting the tree on a slight mound may be necessary to get the root system out of the saturated soil (Diagram 2). Near a slope, small drains may be able to run water to some lower point (Diagram 3).

- e. Excavated planting pits that are open when work is not in progress pose a hazard to pedestrian traffic and shall be adequately barricaded with approved warning devices. No planting pit may remain open in excess of 24 hours without proper protection. The tree shall be placed plumb and in the center of the planting hole.
- f. All ropes, strings, nails, burlap wrapping, and wire baskets shall be removed from the upper one-half of the root ball after the tree has been placed in the planting hole.
- g. In most instances, the backfill around the ball shall be the same soil as that which was removed from the hole; however, in cases where rocks, stones, etc., are encountered, top soil shall be used.
- h. When approximately two-thirds to three-fourths of the planting pit has been backfilled, the hole shall be watered so as to settle the soil around the roots. After the water has been absorbed, the planting pit shall be filled with the planting soil, tamped lightly to grade, and watered thoroughly again. Any further settlement shall be brought to grade with additional planting soil.
- i. A shallow berm of soil, approximately 3-4" high shall be formed 6" outside the edge of each planting hole to serve as a water reservoir.
- j. After planting, if directed by the Village Forester, or his/her designee, a three to four inch layer of wood chips or other approved organic mulch shall be placed from and including the berm of soil to within approximately 3" of the trunk. No mulch shall be placed in direct contact with the trunk of the tree.
- k. Any excess soil, debris, or trimming shall be removed from the planting site immediately upon completion of planting.
- l. **Staking:** When stability is a problem, trees should be staked for one (1) to two (2) years until growth of new roots has stabilized the tree. Care should be taken to avoid staking trees too rigidly or allowing guy wires to damage the bark. Remove the stake, wire, hose, or straps after roots are established. Trees shall be staked only if absolutely necessary since movement of the tree helps to build trunk taper and strength making it more resistant to wind breakage. It is also important to root system development (See Diagram 4.).

- m. **Trunk Protection:** Young trees with thin bark can be damaged by the warm winter sun (sunscald) and should be protected at times. Standard paper tree wrap should be applied from the bottom up so that it overlaps like shingles. Wrap the trunk in the late fall and remove the wrap each spring as directed by the Village Forester, or his/her designee.
- n. **Pruning:** Newly planted trees will be pruned only to remove broken or crossing branches. This will be the responsibility of the Village.

SECTION VI

1. OBTAINING TREES

Trees can be obtained from nurseries in several different forms. Each has advantages, and no single type is appropriate for all situations.

- a. **Bare Root:** No soil is moved with bare-root plants, and so roots must be kept moist at all times. Many of the large roots are undamaged, but most of the fine roots are lost. Bare-root trees are usually less than two (2) inch caliper and should be planted when dormant in the early Spring. This type of planting will only be allowed in extreme circumstances with permission for the Village Forester, or her designee.
- b. **Balled and Burlapped Stock:** A ball of soil, containing the roots, is wrapped in burlap and moved with the tree. This is the most common method of transplanting field-grown trees. Sometimes decomposable nylon twine, treated burlap, and wire baskets are used. At planting, these materials should be removed as they have the potential to cause damage to or restrict new root growth. Nylon twine, if not removed, will often girdle the trunk as the new tree begins to grow. In addition, natural burlap left above the soil surface after planting acts as a moisture wick which will dry out the root ball.
- c. **Tree spaded material:** Tree spades are machines used by landscape contractors to dig the root ball, and then transport and replant the tree into similar holes previously dug by the machine. Tree spaded material should be root pruned one year prior to transport and relocation, when possible, to encourage the development of a dense, fibrous root ball. Care must be taken to close air gaps around the root ball. Cultivating a doughnut-like circle of soil eight (8) to twelve (12) inches deep and two (2) to three (3) feet wide around the root ball will provide loose soil for new growth.
- d. ~~**Container Plants:** Sometimes trees are grown in specially designed pots or bags. Because no digging is involved, container plants do not suffer root loss during~~

~~transplanting. Round containers may cause circling roots if the tree is grown in the container for more than one (1) year. Circling roots should be cut back at the time of planting. Lastic containers should be removed and the top two thirds of degradable containers should be cut off prior to planting.~~

2. TRANSPORTATION AND HANDLING

- a. Trees shall be covered during transport to the planting site.
- b. Plant material shall be handled in a manner as to cause the least amount of damage during the planting process.
- c. Balled and burlapped plants shall always be handled by the soil ball. Under no circumstances shall they be dragged, lifted, or pulled by the trunk or foliage parts.
- d. Plants shall be handled, secured, or covered so as to prevent damage from wind and vibration. Plants shall never be allowed to drop, but shall always be lowered in a controlled manner.
- e. Plant material shall be planted the day it is taken to the planting site, or it shall be watered and/or covered and placed in a shady area to prevent drying out or freezing.

SECTION VII

1. MAINTENANCE OF NEWLY PLANTED TREES

- a. **General:** Newly planted trees, shrubs, and other plants require special care for three growing seasons following planting to ensure their survival.
- b. **Watering:** Proper watering is the single most important aspect of maintenance of transplanted trees. The reduced root system of the newly transplanted tree is concentrated in a small soil volume with very little water available to it. In the first few months after a tree is planted, a tree draws most of its moisture from roots within the root ball. The root ball can dry out in a few days, though surrounding soil remains moist. Regular watering will be necessary. In most cases this will be handled by the resident whose property abuts the new plant. It is also easy to over water, especially if the planting site is poorly drained.

With consideration given for natural rainfall, trees should have the equivalent of water saturating the soil to a depth of six (6) ~~to eight (8)~~ inches every seven (7) days. The complete planting area from the base of the tree to several feet beyond the dripline should be watered. It is important to check the moisture conditions before watering.

- c. **Fertilization:** Fertilization is not recommended the first two years after planting, in the first and second year.

- d. **Insect and Disease Control:** Periodic inspections should be made to allow for early detection of insects or diseases which may pose a health threat. Newly transplanted trees are in a weakened condition which makes them more susceptible to attack than vigorously growing established trees. When attempting to manage pests, it is important to distinguish serious problems that justify chemical treatment from cosmetic ones for which chemical applications are unnecessary or even harmful. Wood borers would be considered a serious problem, whereas most late-season leaf diseases would not.

SECTION VIII

1. GENERAL MAINTENANCE

- a. **Safety Requirements:** In all operations related to public tree planting, maintenance and removal, safety of workers, citizens, and the general public shall be of primary importance. Anyone working on municipally owned trees ~~shall be required to~~ follow the safety requirements for tree care operations as presented in the American National Standards Institute (ANSI Z133.1 ~~1994-2006~~ or most current publication). (~~See Appendix~~).
- b. **Cabling and Bracing:** Cables and braces are installed in trees to provide support for weak limbs, ~~erect~~ branch junctions with included wood, or inherently weak-wooded trees. ~~They are not installed for trees that have split limbs. All work shall conform to the ANSI A300 (Part 3) – 2000 Standards or most current publication.~~
- c. **Pruning:** Pruning is a common practice used to improve tree structure, remove limbs that are dead, diseased, damaged, weakly attached, or creating an obstruction, and to raise for pedestrian and vehicular traffic. Improper pruning can result in permanent damage to the tree that may lead to structural defects and failure. The Village has a five-year winter pruning program at which time parkway trees are appropriately pruned. All pruning on parkway trees shall conform to the ANSI A300 (Part 1)– 2001 Standards or most current publication.

Detailed specifications for the classes and types of pruning are contained in the Standard Practices for Tree Care Operations (ANSI A300-~~1995~~2001, or most current publication-~~See Appendix~~). ANSI A300 standards are to be used in all pruning activities to be performed on Village trees.

All pruning on parkway trees shall be done by certified arborists or other properly trained tree health care professionals.

Tree topping or dehorning shall not be permitted. This practice can result in damage and decay wounds to the tree and lead to serious structural attachment defects of the new limbs and create a potentially hazardous situation.

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All large, established trees shall be pruned to the following height to allow free passage of pedestrians and vehicular traffic: A guideline of eight (8) feet over sidewalks and a minimum clearance of ~~thirteen~~ fourteen (14) feet over all streets should be used. This height may be adjusted depending on the width of parkway and sidewalk configurations with approval from the Village Forester, or his/her designee.

SECTION IX

1. REMOVAL POLICY

Vision Glen Ellyn 2010 Committee has established the theme "Village in a Park" which indicates the value that is placed on our community trees. It is our objective to provide the citizens of our community with an aesthetically pleasing, safe, and healthy urban forest. Healthy trees are an important component of the Village, and contribute significantly to the quality of the local environment. ~~Diseased or structurally unsound trees can be a liability.~~ It is the policy of the Village to maintain public trees as long as they remain assets to the community, and to remove public trees when they become a liability.

There are many factors that contribute to transforming a tree from an asset to a liability. Since trees are living organisms, they eventually die; therefore age and species can be a factor that produces a liability. Disease, decay, and mechanical damage can cause a tree to be structurally unsound, and therefore a liability. The location of a tree may also cause it to be a liability in the form of interfering with traffic visibility.

There are factors that occasionally cause a tree to be an inconvenience, but not necessarily a liability. Deciduous trees drop leaves/~~seeds each fall~~ which may cause an inconvenience without causing a liability. The decision to remove a publicly maintained tree frequently is influenced by a number of considerations. It is the policy of the Village to base tree removals on criteria of community forest health and safety (and therefore liability) and consider criteria of inconvenience to a lesser extent.

All work shall conform to the ANSI Z133.1-2000 Standards (or most current publication)

The decision to remove or not to remove a tree is based on consideration of several criteria including:

- ◆ The overall health of the tree.
- ◆ The tree species and its desirability for parkway use and its potential to cause future maintenance problems.
- ◆ The size and appearance of the tree, and the contribution it is making towards our goal of aesthetically pleasing streets.
- ◆ The potential for the tree to damage hardscape features such as driveways, sidewalks, buffalo boxes, etc.
- ◆ The number of other trees growing under the same conditions, and the precedent

- ◆ that would be set by removing the tree in question.
- ◆ The degree of hardship and/or safety hazards the tree is causing.
- ◆ The feasibility of alternative measures which may alleviate the hardship/hazard.
- ◆ Suitability of the tree for its present location.
- ◆ Expected long-term maintenance costs for the tree compared to other trees of same age/size.

Decisions on tree removals will always try to balance the needs of the individual property owner and of the Village and its citizens in general. The following section lists a limited number of reasons for tree removals. This is not an exhaustive list; however, it is provided as a practical guide when considering tree removal.

a. Conditions Which Automatically Warrant Removal

1. Tree is dead.
2. In the opinion of Village Forester, or his/her designee, there is a **clear substantial and/or** reasonable risk of failure which could cause injury or property damage, and corrective measures are not feasible.
3. Contagious and fatal disease present (e.g. Dutch Elm Disease, **EAB, Asian Longhorned Beetle** or Oak Wilt).
4. Tree damaged beyond repair (e.g. construction injury, lightening, vandalism, auto accident).
5. Extremely poor shape due to utility pruning, die back or storm damage (e.g. 50% or more of crown missing or dying and unlikely to regenerate **within 5 years**).
6. Tree is in the way of Village-authorized construction project designed to benefit the community in general; rerouting of construction or alternative tree protection measures are not feasible (e.g. road widening, main break repair).
7. Tree is almost totally obstructing growth of an adjacent tree specimen that is clearly superior (based on species, condition, and location).
8. Tree was recently planted and does not meet requirements of Arboricultural Specifications Manual due to species, spacing, or location.
9. Tree is causing serious site obstruction which cannot be alleviated by pruning.
10. Tree trunk is growing into and damaging a buffalo box, utility pole, or fire hydrant.

SECTION X

TREE PROTECTION REQUIREMENTS

It is the responsibility of the permit holder, or any person working near public trees, to protect all public trees located on the adjacent public right-of-way that may reasonably be expected to be affected or damaged by construction activities. Existing trees subject to construction damage shall be fenced BEFORE any work is started. The trees to be protected, the method of protection, and the dimensions involved shall be determined by using the specifications in this guideline with final approval of the Village Forester, or his/her designee. Once assembled, no fencing or other protection device shall be removed without prior approval of the Village Forester, or his/her designee, and there will be no construction activity or material within the enclosure.

- 1. Tree protection:** Trees are an integral part of the urban infrastructure. Every importance is placed on protecting trees to the greatest extent possible. This section provides information regarding tree protection measures.
- 2. Critical Root Zone (CRZ):** This is the area defined as the entire ground area that lies within and out to the end of the dripline of the tree, and in some cases may extend beyond the dripline. (See Diagram 6)
- 3. Protective fencing:** When possible, the entire dripline or Critical Root Zone of the tree must be fenced. The fence shall run parallel to the curb line (1' inside the curb) perpendicular to the curb to the join the sidewalk, parallel to the sidewalk and then back to the curb, to encompass the dripline of the tree(s). All fence will be installed with metal posts located no more than 10' apart. Fence should be made of plastic-type mesh or wood slats. (See Diagram-7). In- some cases, the dripline of trees may overlap. It will be necessary to fence the multiple drip lines as one. (See Diagram 8).
- 4. Trenching Trees:** Open trenching in the critical root zone area of a public tree is prohibited. In some instances, exceptions may be allowed if in the opinion of the Village Forester, or his/her designee, the impact of trenching upon the tree will be negligible.
- 5. Utility installations (underground):** All installations of underground utilities upon the public right-of-way are subject to approval by the Village. Any and all installations that will have impact on public trees in relation to underground utilities are specifically subject to the review and approval of the Village Forester, or his/her designee, before the project starts. A plan showing the path of the underground utility in relationship to surrounding trees shall be submitted to the Village Forester, or his/her designee, a minimum of two (2) weeks before any work begins for approval of utility placement and technique.
- 6. Augering / boring requirements and procedures:** Trenching operations, when allowed to be used in the critical root zone of a tree, causes damage to that tree's root system. Trenching through the tree's critical root zone can cause any or all of the following damage to occur to the tree: Slowing of growth rate, die-back and decline of the tree's crown and or root system, deadwood formation, wind throw, invasion of wood-decaying

fungi and/or insects, or total tree mortality. Where there is insufficient space for trenching to bypass the Critical Root Zone of trees, when possible augering must be used in place of trenching. To minimize damage to parkway tree roots, the following augering specification has been developed to provide adequate protection for the roots of parkway trees. (Table 5, Diagram 9)

**Table 5
Critical Root Zone Augering / Specifications**

Tree Diameter (DBH)	Distance of Tunnel from Face of Tree Trunk - Each Side
2" - 9"	6'
10" - 14"	10'
15" - 19"	12'
20" or more	15'

It is recognized that there may be situations where utilities must be installed or repaired within a tree's Critical Root Zone, and trenchless excavation is not possible. Examples could include exceptionally rocky conditions, or cases where a pit must be excavated within the Critical Root Zone to receive tunneling equipment. The Village Forester, or his/her designee, shall have the authority to determine whether trenchless excavation is impossible, in which case permission to proceed may be granted under the following conditions:

- ◆ The Village Forester, or his/her designee, will determine the location and size of the pit or trench.
- ◆ Pre-construction root pruning may be required as in Section 6.
- ◆ Any roots encountered during construction must be cleanly cut as described in Section 6.
- ◆ If it is to be left open for more than two days, all trenches/excavations shall be backfilled as soon as possible to prevent roots from drying out.

Additional information on trenching and tunneling near trees is contained in Diagram 9 and 10.

7. Root Pruning

- a. **Pre-construction root pruning:** During construction activities there may be times when in the opinion of the Village Forester, or his/her designee, it is not possible to entirely avoid trenching or excavation within the Critical Root Zone.

In such instances, the Village Forester, or his/her designee, may require the permittee to perform pre-construction root pruning. This procedure results in root cutting, but if done properly it will minimize damage to the tree and afford the pruned roots an opportunity to quickly regenerate. This shall be accomplished according to the following standards:

When the cutting of roots is unavoidable in a trenching operation, a root pruning saw shall be used to make a clean cut of the roots six (6) inches to the inside of the trench prior to the trench being dug. All trenches shall be backfilled immediately or the roots kept moist by watering procedures.

Note: Trenching machines are not allowed in root pruning operations

The minimum depth of auger within the root zone, as described above, shall be as deep as the depth of excavation, or at least 24" below the soil surface. No trenching within the root zone of the tree, as described, shall be permitted.

8. **Sidewalk and driveway installation and replacement:** When conflicts arise between tree roots and existing pavement, it is advisable to look for solutions that minimize damage to tree roots while providing a smooth walking surface for pedestrians. Removal of large support roots should be avoided. Without adequate support from structural roots, trees become increasingly at risk of falling, particularly during heavy winds. Removal of large roots may also severely stress an otherwise healthy tree, increasing the risk of disease or pest infestation. The mitigation of uneven sidewalks in a manner that produces additional hazards in the form of structurally unsound trees is not acceptable.

It may not always be necessary to replace a damaged sidewalk at the same grade or in the same position that the original sidewalk occupies. If possible, replacement sidewalks may be routed farther away from the root collar of the tree than the original sidewalk. While this may deviate from a straight pathway, the additional space will allow for future root growth without resulting in future pavement heaving. Occasionally, re-routing sidewalks may require obtaining an easement from the adjacent landowner.

When large roots are present at the surface, it may be possible to raise the grade in the location of the replacement sidewalk. Caution must be used to add a ramp of soil along the edges of the replacement sidewalk that slopes to the grade of adjacent turf. This will prevent tripping on or falling off of the new sidewalk that is at a higher grade than the original pavement.

Smaller panels of concrete with expansion joints might also be an alternative. It may be possible to narrow the width of the sidewalk pavement in the area of the root crown. When installing sidewalks, the sidewalk edge must be at least 1' away from the trunk of the tree.

Whenever possible, installation of new driveways or widening of existing driveways should not be performed within a tree's Critical Root Zone. The pavement should be installed no closer to the tree than the minimum distances shown in Table 5- Augering Specifications. For example, the pavement should be no closer than 15 feet from the

trunk of a 20" tree. Distances less than those shown on the diagram will be permitted only with written permission of the Village Forester, or his/her designee.

Whenever possible, replacement or installation of pavement that requires cutting of tree roots should be conducted in early spring and concluded by mid-summer to allow maximum root recovery during dormancy.

9. **Posting of Tree Preservation Plans:** In some cases Tree Preservation Plans must be posted at the site of development as it relates to ordinance - ~~VC~~~~until the site has been inspected for refund of deposit before a building permit is issued.~~ In those cases, the sign must be laminated and installed on 4' posts directly behind the sidewalk in the front of the property (unless the Village Forester, or his/her designee, requests another location).
10. **Changes to existing grade:** No changes to original grade should be allowed inside the Critical Root Zone. If such changes are unavoidable, consideration should be given to installation of retaining walls or tree wells, depending on grade change. This will minimize root cutting and keep the base of the trunk at the original ground level.

General requirements: Any time access is needed across the parkway an ingress and egress point will be established. If it is not on an existing driveway, and access is needed within the boundary of the dripline, a bridging structure will be made of grade 8 gravel or plywood will be required to be set in the parkway to protect the tree root system from tearing and compaction from heavy equipment. This will be required throughout the construction project.

11. **Amendments:** The Village Forester, or his/her designee, shall have the authority to recommend changes to the manual, except those specifically authorized to be amended by the Village Forester herein, and such changes shall be considered by the Village Board, which shall have the power to amend the manual by ordinance, modify, amend, or extend the Arboricultural Standards Manual at any time that experience and updated arboricultural practices indicate improved methods or whenever circumstances make it advisable.

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APPENDIX

1. ANSI 260.1, The American Standard for Nursing Stock as approved by The American National Standard Institute, Inc.
2. ANSI Z133.1 – current edition The American National Standard for Tree Operations - Pruning, Trimming, Repairing, Maintaining and Removing Trees, and Cutting Brush -Care Safety Requirements.

By:
The American National Standards Institute, Inc.
11 West 42nd Street
New York, New York 10036

3. ANSI A300 –(Part 1, Tree Care Operations for Pruning), and (Part 3 – Support systems a. Cabling, Bracing and Guying)Pruning Standard, The American National Standard for Trees, Shrub, and Other Woody Plant Maintenances- Standard Practices.
4. Copies of all documents providing for standards herein are available at the Office of the Village Forester, and the Village intends to adopt as a part of this manual the most current provisions adopted by those standard setting entities and agencies.